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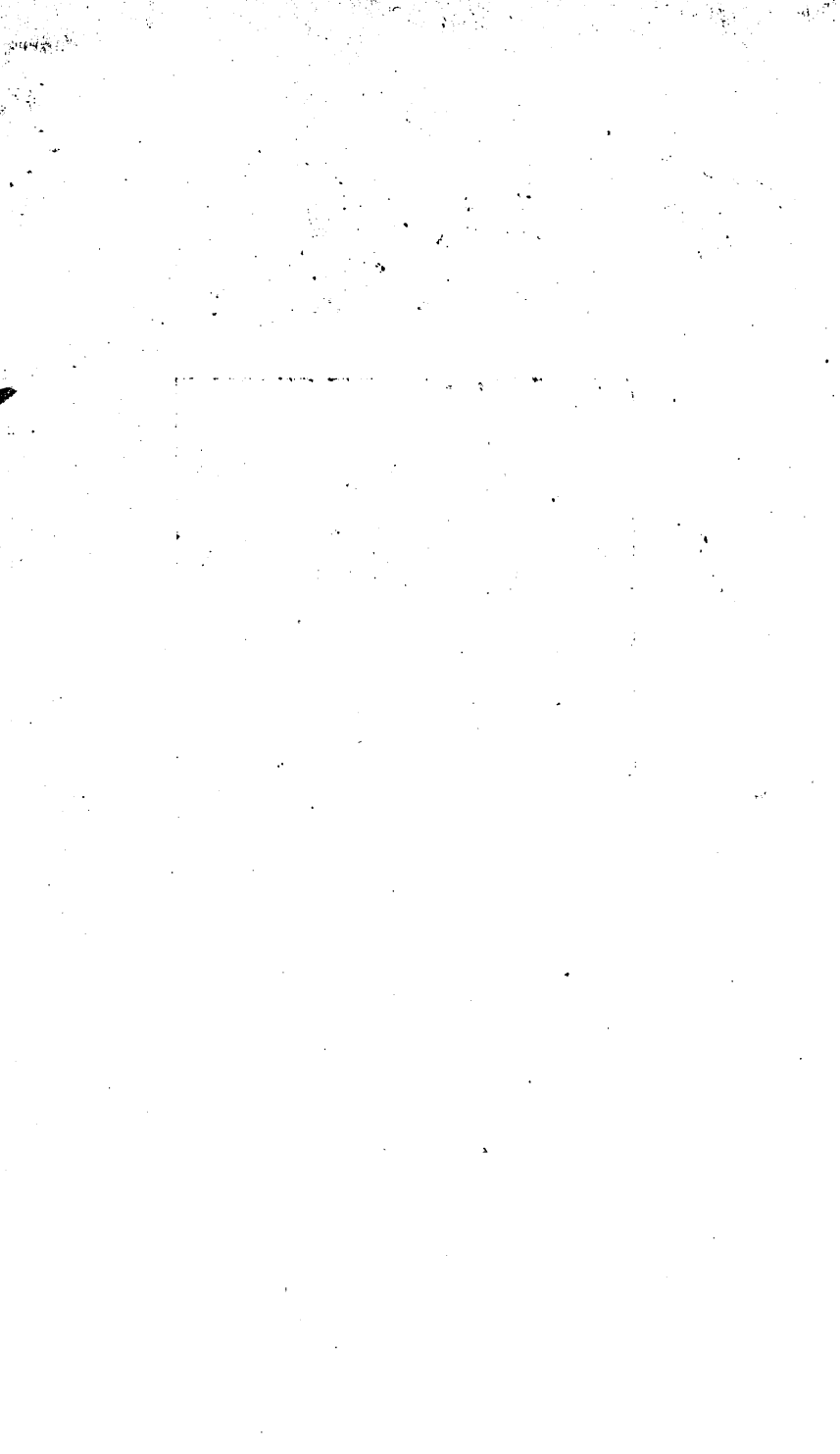
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# TREATIES ACTS & REGULATIONS RELATING TO MISSIONARY FREEDOM

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OFFICE OF THE INTERNATIONAL MISSIONARY COUNCIL  
EDINBURGH HOUSE, 2 EATON GATE, LONDON, S.W. 1

1923

# TREATIES ACTS & REGULATIONS RELATING TO MISSIONARY PRACTICE

1923

OFFICE OF THE INTERNATIONAL  
EDINBURGH HOUSE, 2 EATON GARDENS

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# REGULATIONS TO RY FREEDOM

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1923

ATIONAL MISSIONARY COUNCIL  
EATON GATE, LONDON, S.W. 1

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## INTRODUCTORY NOTE

IN 1920, in preparation for the first international missionary gathering after the war, a memorandum was drawn up and subsequently issued as a pamphlet under the title of *The Missionary Situation after the War* in which were included a number of treaties and acts bearing on missionary freedom. The demand for the pamphlet showed that the bringing together of this material was appreciated. Since that time a number of important new treaties have come into existence and the terms of the mandates under which former German colonies and Turkish territories are to be administered have been approved and made public. Apart from this new material since 1920, a number of treaties and acts prior to that date, which were not included in the former pamphlet, have been added to the present collection.

This collection does not profess to include all important public documents bearing on missionary work. The texts of one or two treaties and acts which it was intended to publish could not be obtained in time to be included. There are doubtless others of which the editors are not aware. The present collection is a tentative effort, and the editors will welcome suggestions and criticism with a view to making the publication more useful and any information regarding additional material which might be included in a later edition.

No attempt has been made to include educational regulations and acts, except where clauses dealing with education are part of a general act. The inclusion of educational acts would have swollen the pamphlet to a bulky volume.

Thanks are due to those who have given generous assistance in the collection of material and in the translation into English of French, Dutch and Portuguese texts.

J. H. O.  
M. J. H.

INTERNATIONAL MISSIONARY COUNCIL,  
2 EATON GATE,  
LONDON, S.W.1

# TREATIES, ACTS AND REGULATIONS

## I. INTERNATIONAL

### TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND GERMANY, SIGNED AT VERSAILLES, JUNE 28, 1919<sup>1</sup>

#### ARTICLE 22: COVENANT OF THE LEAGUE OF NATIONS

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

<sup>1</sup> H.M. Stationery Office, London, 1919.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

#### ARTICLE 438

The Allied and Associated Powers agree that where Christian religious missions were being maintained by German societies or persons in territory belonging to them, or of which the government is entrusted to them in accordance with the present Treaty, the property which these missions or missionary societies possessed, including that of trading societies whose profits were devoted to the support of missions, shall continue to be devoted to missionary purposes. In order to ensure the due execution of this undertaking the Allied and Associated Governments will hand over such property to boards of trustees appointed by or approved by the Governments

and composed of persons holding the faith of the mission whose property is involved.

The Allied and Associated Governments, while continuing to maintain full control as to the individuals by whom the missions are conducted, will safeguard the interests of such missions.

Germany, taking note of the above undertaking, agrees to accept all arrangements made or to be made by the Allied or Associated Government concerned for carrying on the work of the said missions or trading societies and waives all claims on their behalf.

CONVENTION REVISING THE GENERAL ACT OF BERLIN,  
FEBRUARY 26, 1885, AND THE GENERAL ACT AND  
DECLARATION OF BRUSSELS, JULY 2, 1890 ; SIGNED  
AT ST GERMAIN-EN-LAYE, SEPTEMBER 10, 1919 <sup>1</sup>

ARTICLE 1

The Signatory Powers undertake to maintain between their respective nationals and those of States, Members of the League of Nations, which may adhere to the present Convention a complete commercial equality in the territories under their authority within the area defined by Article 1 of the General Act of Berlin of February 26, 1885, set out in the Annex hereto, but subject to the reservation specified in the final paragraph of that article.

ANNEX

ARTICLE 1 OF THE GENERAL ACT OF BERLIN OF  
FEBRUARY 26, 1885

The trade of all nations shall enjoy complete freedom :

1. In all the regions forming the basin of the Congo and its outlets. This basin is bounded by the watersheds (or mountain ridges) of the adjacent basins, namely, in particular, those of the Niari, the Ogowé, the Shari, and the Nile, on the north ; by the eastern watershed line of the affluents of Lake Tanganyika on the east ; and by the watersheds of the basins of the Zambesi and the Logé on the south. It therefore comprises all the regions watered by the Congo and its affluents, including Lake Tanganyika, with its eastern tributaries.

<sup>1</sup> H.M. Stationery Office, London [Cmd. 477], 1919.

2. In the maritime zone extending along the Atlantic Ocean from the parallel situated in  $2^{\circ} 30'$  of south latitude to the mouth of the Logé.

The northern boundary will follow the parallel situated in  $2^{\circ} 30'$  from the coast to the point where it meets the geographical basin of the Congo, avoiding the basin of the Ogowé, to which the provisions of the present Act do not apply.

The southern boundary will follow the course of the Logé to its source, and thence pass eastwards till it joins the geographical basin of the Congo.

3. In the zone stretching eastwards from the Congo Basin as above defined, to the Indian Ocean from  $5^{\circ}$  of north latitude to the mouth of the Zambesi in the south, from which point the line of demarcation will ascend the Zambesi to 5 miles above its confluence with the Shiré, and then follow the watershed between the affluents of Lake Nyasa and those of the Zambesi, till at last it reaches the watershed between the waters of the Zambesi and the Congo.

It is expressly recognized that in extending the principle of free trade to this eastern zone, the Conference Powers only undertake engagements for themselves, and that in the territories belonging to an independent Sovereign State this principle shall only be applicable in so far as it is approved by such State. But the Powers agree to use their good offices with the Governments established on the African shore of the Indian Ocean for the purpose of obtaining such approval, and in any case of securing the most favourable conditions to the transit (traffic) of all nations.

### ARTICLE 3

In the territories specified in Article 1 [i.e. the area defined by Article 1 of the General Act of Berlin of February 26, 1885] and placed under the authority of one of the Signatory Powers, the nationals of those Powers, or of States, Members of the League of Nations, which may adhere to the present Convention shall, subject only to the limitations necessary for the maintenance of public security and order, enjoy without distinction the same treatment and the same rights as the nationals of the Power exercising authority in the territory, with regard to the protection of their persons and effects, with regard to the acquisition and transmission of their movable and real property, and with regard to the exercise of their professions.

### ARTICLE 11

The Signatory Powers exercising sovereign rights or authority in African territories will continue to watch over the preservation

of the native populations and to supervise the improvement of the conditions of their moral and material well-being. They will, in particular, endeavour to secure the complete suppression of slavery in all its forms and of the slave trade by land and sea.

They will protect and favour, without distinction of nationality or of religion, the religious, scientific or charitable institutions and undertakings created and organized by the nationals of the other Signatory Powers and of States, Members of the League of Nations, which may adhere to the present Convention, which aim at leading the natives in the path of progress and civilization. Scientific missions, their property and their collections, shall likewise be the objects of special solicitude.

Freedom of conscience and the free exercise of all forms of religion are expressly guaranteed to all nationals of the Signatory Powers and to those under the jurisdiction of States, Members of the League of Nations, which may become parties to the present Convention. Similarly, missionaries shall have the right to enter into, and to travel and reside in, African territory with a view to prosecuting their calling.

The application of the provisions of the two preceding paragraphs shall be subject only to such restrictions as may be necessary for the maintenance of public security and order, or as may result from the enforcement of the constitutional law of any of the Powers exercising authority in African territories.

## II. THE BRITISH EMPIRE

### (A) INDIA

#### MEMORANDA A, B, AND C, REGARDING THE ADMISSION INTO INDIA OF ALIENS DESIRING TO UNDERTAKE MISSIONARY, EDUCATIONAL, OR OTHER PHILANTHROPIC WORK IN INDIA AFTER THE WAR<sup>1</sup>

##### MEMORANDUM A

1. Appreciating to the full the value of the work done in the past by missionary and other philanthropic societies and organizations, His Majesty's Government and the Government of India cordially welcome their co-operation in the future in furthering the moral and material well-being of the peoples of India.

2. But the State, while recognizing the obligations of Christian civilization, is obliged to take adequate measures for maintaining public security ; and the experience of the war has shown that certain foreign societies and individuals have not been able to prevent their national instincts from prejudicing that security, and that some supervision is necessary.

3. His Majesty's Government have accordingly decided that societies or organizations of former enemy nationality, and their individual members of former enemy nationality or birth, irrespective of the nature of their religious belief, cannot be re-admitted to India for a period of five years from the conclusion of the war. Included in this definition are the houses or branches in former enemy territory of any international societies or institutions, and all

<sup>1</sup> As revised September 12, 1921. The Secretary of State for India has subsequently consented to "recognize" certain societies on the continent of Europe on the recommendation of the Conference of Missionary Societies in Great Britain and Ireland, and has sanctioned (June 1923) the following amendments in Memorandum A:

- (i) That in paragraph 5 line 4 the word "Europe" should be substituted for "the United Kingdom"; and
- (ii) that paragraph 7 be omitted.



their members. As regards individuals of former enemy nationality belonging to societies recognized by His Majesty's Government, applications for their exemption from the general prohibition against the entry of former enemy aliens into India may be submitted in the conditions stated and under the procedure prescribed in paragraph 10 of this Memorandum.

4. The following provisions apply only to Christian societies, organizations, and individuals not in communion with the Church of Rome, the Orthodox Church, or other Oriental Churches.

5. As regards societies of British, allied and neutral nationality, subject to the provisions of this Memorandum, His Majesty's Government will place no restrictions on recognized societies or organizations in the United Kingdom, Canada and United States of America, and will recognize all societies which are recommended to them by the Conference of Missionary Societies in the United Kingdom, and by the Foreign Missions Conference of North America on the following conditions :

(i) As regards recognized societies, His Majesty's Government will deal only with the above-mentioned Conferences ; the Government of India will deal only with the National Missionary Council in India.

(ii) The Conferences will prepare lists of societies in the United Kingdom, Canada and the United States of America respectively, whose good faith and responsibility they will guarantee. These societies will be " recognized " by His Majesty's Government.

(iii) Before recommending any non-British society the Conference concerned will obtain from it a declaration recognizing that all due obedience and respect should be given to the lawfully constituted Government, and that, while carefully abstaining from political affairs, it is its desire and purpose that its influence, in so far as it may be properly exerted in such matters, should be so exerted in loyal co-operation with the Government of the country concerned, and that it will only employ agents who will work in this spirit.

(iv) (a) The Conferences will hold non-British " recognized " societies responsible for carrying out the provisions of clause (iii) so far as missionaries and other employes of pure British and American birth are concerned.

(b) Any " recognized " society desiring to send to any part of India missionaries or employes who are not of pure British or American birth will submit to the Conference concerned their names and full

particulars. The Conference will thereupon make due enquiry (which, in case of persons of former enemy extraction or whom there may be any reason to suspect of former enemy association, will be especially searching), and if they are able to guarantee the applicant's good faith will give him credentials establishing his identity. If the person in question has already served in India, the Conference will communicate with the National Missionary Council, who will arrange direct with the Government of India.

(c) In cases in which the Conferences are not satisfied that a society, although "recognized," is capable of discharging its responsibility under clause (iii), the same procedure will be followed.

(d) Every missionary or employé who is not a British subject will furnish himself with a document signed or countersigned by an official of the Conference concerned duly authorized in that behalf, and this document will constitute the guarantee given by the Conference.

(v) The Conference of North America will, in regard to missionary societies or persons in the United States, correspond with His Majesty's Ambassador, not with His Majesty's Government direct, and will furnish him with the names and particulars of the societies which it recommends for recognition, and of the persons to whom it has given credentials. It will be open to His Majesty's Ambassador to make any further enquiries which he may think desirable. In regard to Canadian missionary societies or persons in Canada, the Conference will correspond with the Dominion Government.

(vi) In case any question arises between His Majesty's Government and any recognized society or member of such society, His Majesty's Government will address the Conferences, who will use their good offices to regulate the affair, and if agreement cannot be arrived at, it will be open to His Majesty's Government to withdraw any facilities, grants, &c., which the society may enjoy, and in the last resort to deport the individual, and to remove the society from the list.

6. Members of any society or organization not recognized by His Majesty's Government must obtain a permit, as in accordance with Memorandum C, and will be subject to the restrictions therein laid down for such time as His Majesty's Government think fit.

7. As there is no body representing continental Protestant Missions in which His Majesty's Government can place the same

confidence as in the Conferences, all such Missions will come under Clause 6 unless and until His Majesty's Government shall otherwise determine.

8. His Majesty's Government reserve the right to inspect the schools, &c., of any recognized or other society, and satisfy themselves that the spirit is satisfactory.

9. Nothing in this Memorandum shall exempt foreign recognized societies or their members or employes from the operation of any laws or regulations affecting foreigners in general in India.

10. *Exceptional conditions under which Missionaries of former enemy nationality may be admitted to India.*—It should be understood that the Government of India have adopted a strict policy of excluding persons of former enemy nationality from India for a period of five years after the war irrespective of their individual occupations.

In the event however of representations being made by the authorities of a recognized society, and supported by the Conference, to the effect that the full enforcement in the case of the missionaries employed by such society of the prohibition against individuals of former enemy nationality would result in the loss of, or grave injury to, any mission now being conducted in India by such society by reason of the impossibility of securing the requisite number of missionaries to fill the posts made vacant by the exclusion of former enemy nationals, then the Government of India, if they are satisfied that these representations are well grounded, will have no objection to considering and dealing with exceptional applications for the introduction of individuals of former enemy nationality, for missionary work, subject to the following conditions :

(i) the official head in India of the mission in which it is desired to introduce any such individual must be a British subject ;

(ii) the conditions of Memorandum A must be complied with ;

(iii) in particular the good faith of the individual whom it is desired to admit must be guaranteed in the manner prescribed in Memorandum A 5 (iv) (b) by the Conference ;

(iv) the authorities of the society will transmit to the India Office through the Conference the application of each such individual on a prescribed form together with the guarantee prescribed in (iii) above ;

(v) it is understood that only a limited number of applications will be made, that they will be confined to cases of genuine necessity

from the point of view of the mission, and will normally be made on behalf of missionaries who have previously worked in India ;

(vi) the India Office will transmit each application to the Government of India which will consider each case on its merits having special regard to the previous record of the applicant ;

(vii) in the event of the Government of India being able to relax their general rule of excluding all former enemy nationals in favour of a missionary applying in the manner prescribed above, they will communicate their decision by telegraph and the necessary facilities for the journey of such missionary to India will thereupon be granted.

#### MEMORANDUM B

1. Appreciating to the full the value of the work done in the past by missionary and other philanthropic societies and organizations, His Majesty's Government cordially welcome their co-operation in the future in furthering the moral and material well-being of the peoples of India.

2. But the State, while recognizing the obligations of Christian civilization, is obliged to take adequate measures for maintaining public security ; and the experience of the war has shown that certain foreign societies and individuals have not been able to prevent their national instincts from prejudicing that security, and that some supervision is necessary.

3. His Majesty's Government have accordingly decided that societies or organizations of former enemy nationality, and their individual members of former enemy nationality or birth, cannot be re-admitted to India, for a period of five years from the conclusion of the war. Included in this definition are the houses or branches of any international orders or societies in former enemy territory, and all their members, irrespective of the nature of their religious beliefs. As regards individuals of former enemy nationality belonging to societies recognized by His Majesty's Government, applications for their exemption from the general prohibition against the entry of former enemy aliens into India may be submitted in the conditions stated and under the procedure prescribed in paragraph 9 of this Memorandum.

4. The following provisions apply only to societies, organizations, and individuals, in communion with the Church of Rome.

5. His Majesty's Government will impose no restrictions, subject

to the provisions of this Memorandum, on individuals of Allied nationality who are members of British, Allied, or international societies or organizations, provided that the societies or organizations are recommended by the Cardinal Archbishop of Westminster, and that the individuals are guaranteed by the Superior of the House of the society or organization in the United Kingdom, on the following conditions :

(i) The Cardinal Archbishop will furnish His Majesty's Government with a list of such bodies, which will be known as " recognized societies."

(ii) Before recommending any society or organization, which desires to maintain missionaries or other employés or members in any part of India, the Cardinal Archbishop will obtain from its Superior-General a declaration recognizing that all due obedience and respect should be given to the lawfully constituted Government, and that, while carefully abstaining from political affairs, it is its desire and purpose that, so far as its influence may be properly exerted in such matters, it should be in loyal co-operation with the Government of the country concerned, and that it will only employ agents who will work in this spirit.

(iii) When any recognized society desires to send to any part of India a missionary or other employé or member who is of non-British birth, extraction, or nationality, it will submit his or her name and full particulars to the Superior of the House in the United Kingdom (or if the society has no House in the United Kingdom, to the Superior of the House of some other society who is willing to represent it) ; this Superior must himself be a natural born British subject. The Superior will thereupon make due inquiry (which, in case of persons of former enemy extraction or whom there may be any reason to suspect of former enemy association, will be especially searching), and if able to guarantee the applicant's good faith will give him credentials establishing his identity. All such credentials will be countersigned by an authority duly nominated in that behalf by the Cardinal Archbishop.

(iv) His Majesty's Government may make through their representatives abroad any further inquiries which they may consider necessary for their own satisfaction.

(v) In case any question arises between His Majesty's Government and any recognized society or any member of such society, the Cardinal Archbishop will use his good offices to regulate the

affair, and if agreement cannot be arrived at, it will be open to His Majesty's Government to withdraw any grants, facilities, &c., which the society may enjoy, and in the last resort to deport the individual and remove the society from the recognized list.

6. Members of any society or organization which is not recognized by His Majesty's Government must obtain a permit, in accordance with Memorandum C, and will be subject to the restrictions therein laid down for such time as His Majesty's Government may think fit.

7. His Majesty's Government reserve the right to inspect the schools, &c., of any society, whether recognized or not, and satisfy themselves that the spirit is satisfactory.

8. Nothing in this Memorandum shall exempt foreign recognized societies or their members from the operation of any laws or regulations affecting foreigners in general in India.

9. *Exceptional conditions under which Missionaries of former enemy nationality may be admitted to India.*—It should be understood that the Government of India have adopted a strict policy of excluding persons of former enemy nationality from India for a period of five years after the war irrespective of their individual occupations.

In the event, however, of representations being made by the authorities of a recognized society, and supported by the Cardinal Archbishop of Westminster, to the effect that the full enforcement, in the case of the missionaries employed by such society, of the prohibition against individuals of former enemy nationality would result in the loss of, or grave injury to, any mission now being conducted in India by such society by reason of the impossibility of securing the requisite number of missionaries to fill the posts made vacant by the exclusion of former enemy nationals, then the Government of India, if they are satisfied that these representations are well grounded, will have no objection to considering and dealing with exceptional applications for the introduction of individuals of former enemy nationality, for missionary work, subject to the following conditions :

(i) the official head in India of the mission in which it is desired to introduce any such individual must be a British subject ;

(ii) the society in charge of the mission must either have a House of its own in the United Kingdom, or be represented in the United Kingdom, for the purpose of Memorandum B 5 (iii), by the House of some other society :

(iii) the good faith of the individual whom it is desired to admit must be guaranteed in the manner prescribed in Memorandum B 5 (iii) by the Superior of such House in the United Kingdom and by an authority duly nominated in that behalf by the Cardinal Archbishop of Westminster ;

(iv) the authorities of the society will transmit to the India Office the application of each such individual on a prescribed form, together with the guarantee prescribed in (iii) above ; the form of application should be transmitted through the Superior of the House of the Society in the United Kingdom (or its other representative in the United Kingdom—*see* 5 (iii) above)—and through the Cardinal Archbishop of Westminster ; copies of the prescribed form of application will be supplied by the Cardinal Archbishop to societies which satisfy the foregoing conditions ;

(v) it is understood that only a limited number of applications will be made, that they will be confined to cases of genuine necessity from the point of view of the mission, and will normally be made on behalf of missionaries who have previously worked in India ;

(vi) the India Office will transmit each application to the Government of India, which will consider each case on its merits, having special regard to the previous record of the applicant ;

(vii) in the event of the Government of India being able to relax their general rule of excluding all former enemy nationals in favour of a missionary applying in the manner prescribed above, they will communicate their decision by telegraph and the necessary facilities for the journey of such missionary to India will thereupon be granted.

#### MEMORANDUM C

1. Appreciating to the full the value of the work done in the past by missionary and other philanthropic societies and organizations, His Majesty's Government cordially welcome their co-operation in the future in furthering the moral and material well-being of the peoples of India.

2. But the State, while recognizing the obligations of Christian civilization, is obliged to take adequate measures for maintaining public security ; and the experience of the war has shown that certain foreign societies and individuals have not been able to prevent their national instincts from prejudicing that security, and that some supervision is necessary.

3. His Majesty's Government have accordingly decided that societies or organizations of former enemy nationality, and their individual members of former enemy nationality or birth, cannot be re-admitted to India, for a period of five years from the conclusion of the war, subject to the exceptions provided for in A 10 and B 9 above. Included in this definition are the houses or branches of any international societies or organizations in former enemy territory, and all their members, irrespective of the nature of their religious beliefs.

4. As regards other foreign societies and individuals, His Majesty's Government have decided that, except as may be otherwise provided :

(i) Every foreigner, whatever his religious belief, who is desirous of engaging in philanthropic, educational or medical work (whether he is a missionary or attached to a religious mission or not, and whether the mission or philanthropic enterprise with which he desires to associate himself is a secular or religious body) will be required to take out a permit authorizing him to carry on his vocation. The permit, if granted, will be subject to an undertaking (as set forth below) to co-operate loyally with the Government of the country.

Foreigners already engaged in the vocations mentioned above in India will similarly be required to take out permits in the same terms as a preliminary to the continuance of their activities. Though, however, such persons will be subject to the same conditions as those contemplated in the case of their fellows who have not as yet commenced work, permits will, in such cases, usually be granted as a matter of course, and will ordinarily only be refused in instances in which the applicants are believed to have been guilty of misconduct. Applications should be made to the Government of the country concerned.

(ii) All such permits will be subject to cancellation or modification at the discretion of Government.

(iii) All foreigners desirous of obtaining permits must, if they are resident in a foreign country, submit their applications through the British Embassy or Legation to His Majesty's Government, who will deal with them in consultation with the Indian authorities ; if they are resident in a British country they must submit their applications through the Government of that country.

(iv) Any foreigner engaging in any of the vocations mentioned in clause (i), or if already so engaged continuing in it without a permit, will be liable to deportation under the Acts applicable to foreigners in the country concerned.



(v) Any organization which evades the principles regarding permits will be liable to be deprived of all or such part of the subsidies for the purpose of education and any other facilities it enjoys from Government as Government may think fit, and the same principle will apply to the continued employment of persons whose permits have been cancelled.

(vi) British organizations which evade the principle regarding permits will be liable to the same penalties.

5. His Majesty's Government reserve the right to inspect the schools and other institutions maintained by any society or individual, in order to satisfy themselves that the spirit is satisfactory.

#### FORM OF UNDERTAKING<sup>1</sup>

I hereby undertake to give all due obedience and respect to the lawfully constituted Government, and, while carefully abstaining from participation in political affairs, it is my desire and purpose that my influence, in so far as it may be properly exerted in such matters, should be so exerted in loyal co-operation with the Government; and, in particular, if engaged in educational work, I undertake to do all in my power to promote good-will and understanding between the people and the Government of the country, and to make those under my care law-abiding and good citizens.

INDIA OFFICE

#### REMOVAL OF CASTE DISABILITIES ACT, XXI OF APRIL 11, 1850<sup>2</sup>

[The purpose of this Act was to protect the civil rights of converts to Christianity from Hinduism or Muhammedanism.]

Whereas it is enacted by Section 9, Regulation VII, 1832, of the Bengal Code, that 'whenever in any civil suit the parties to such suit may be of different persuasions, when one party shall be of the Hindu and the other of the Muhammedan persuasion: or where one or more of the parties to the suit shall not be either of the

<sup>1</sup> As revised June 1922.

<sup>2</sup> The Unrepealed General Acts of the Governor-General in Council, 1834-1867. Fourth Edition, vol. i. Superintendent Government Printing, India. Calcutta, 1909.

Muhammedan or Hindu persuasions, the laws of those religions shall not be permitted to operate to deprive such party or parties of any property to which, but for the operation of such laws, they would have been entitled'; and whereas it will be beneficial to extend the principle of that enactment throughout the territories subject to the government of the East India Company: It is enacted as follows:

1. So much of any law or usage now in force within the territories subject to the government of the East India Company, as inflicts on any person forfeiture of rights or property, or may be held in any way to impair or affect any right or inheritance, by reason of his or her renouncing, or having been excluded from the communion of any religion, or being deprived of caste, shall cease to be enforced as law in the Courts of the East India Company, and in the Courts established by Royal Charter within the said authorities.

## RULES UNDER SECTION 12 (1) OF THE GOVERNMENT OF INDIA ACT, 1919<sup>1</sup>

### RESERVATION OF BILLS RULES

2. The Governor of any Governor's province shall reserve for the consideration of the Governor-General any Bill, not having been previously sanctioned by the Governor-General, which has been passed by the Legislative Council of the province and is presented to the Governor for his assent, if the Bill appears to the Governor to contain provisions:

(a) Affecting the religion or religious rites of any class of British subjects in British India. . . .

### (B) CROWN COLONIES AND PROTECTORATES

[The Secretary of State for the Colonies has decided that the policy embodied in the Memoranda of the Government of India shall be applied to persons desirous of undertaking missionary or educational work in British Colonies and Protectorates, except that paragraph 10 of Memorandum A will not apply for the present to mandated territories.]

<sup>1</sup> H.M. Stationery Office, London, 1921.

(C) PALESTINE

BRITISH MANDATE (CLASS A) APPROVED BY THE  
COUNCIL OF THE LEAGUE OF NATIONS, JULY 24, 1922<sup>1</sup>

ARTICLE 15

The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired.

ARTICLE 16

The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.

THE PALESTINE ORDER IN COUNCIL, AUGUST 10, 1922<sup>2</sup>

PART III

LEGISLATURE

ARTICLE 18

The Legislative Council shall have full power and authority, without prejudice to the powers inherent in, or reserved by this

<sup>1</sup> H.M. Stationery Office, London [Cmd. 1785], 1922.

<sup>2</sup> *Ibid.* Statutory Rules and Orders, No. 1282 of 1922.

Order to, His Majesty, and subject always to any conditions and limitations prescribed by any Instructions under the Sign Manual and Signet, to establish such Ordinance as may be necessary for the peace, order and good government of Palestine, provided that no Ordinance shall be passed which shall restrict complete freedom of conscience and the free exercise of all forms of worship, save in so far as is required for the maintenance of public order and morals; or which shall tend to discriminate in any way between the inhabitants of Palestine on the ground of race, religion or language.

No Ordinance shall be passed which shall be in any way repugnant to or inconsistent with the provisions of the Mandate.

## PART V

### JUDICIARY

#### ARTICLE 51

Subject to the provisions of Articles 64 to 67 inclusive, jurisdiction in matters of personal status shall be exercised in accordance with the provisions of this Part by the Courts of the religious communities established and exercising jurisdiction at the date of this Order. For the purpose of these provisions matters of personal status mean suits regarding marriage or divorce, alimony, maintenance, guardianship, legitimation and adoption of minors, inhibition from dealing with property of persons who are legally incompetent, successions, wills and legacies, and the administration of the property of absent persons.

#### ARTICLE 52

Moslem Religious Courts shall have exclusive jurisdiction in matters of personal status of Moslems in accordance with the provisions of the Law of Procedure of the Moslem Religious Courts of the 25th October 1333 A.H., as amended by any Ordinance or Rules. They shall also have, subject to the provisions of any Ordinance or of the Order of the 20th December 1921, establishing a Supreme Council for Moslem Religious Affairs, or of any Orders amending the same, exclusive jurisdiction in cases of the constitution or internal administration of a Wakf constituted for the benefit of Moslems before a Moslem Religious Court.

There shall be an appeal from the Court of the Qadi to the Moslem Religious Court of Appeal, whose decision shall be final.

ARTICLE 53

The Rabbinical Courts of the Jewish community shall have :

- (i) Exclusive jurisdiction in matters of marriage and divorce, alimony and confirmation of wills of members of their community other than foreigners as defined in Article 59.
- (ii) Jurisdiction in any other matter of personal status of such persons, where all the parties to the action consent to their jurisdiction.
- (iii) Exclusive jurisdiction over any case as to the constitution or internal administration of a Wakf or religious endowment constituted before the Rabbinical Court according to Jewish Law.

ARTICLE 54

The Courts of the several Christian communities shall have :

- (i) Exclusive jurisdiction in matters of marriage and divorce, alimony, and confirmation of wills of members of their community other than foreigners as defined in Article 59.
- (ii) Jurisdiction in any other matters of personal status of such persons, where all the parties to the action consent to their jurisdiction.
- (iii) Exclusive jurisdiction over any case concerning the constitution or internal administration of a Wakf or religious endowment constituted before the Religious Court according to the religious law of the community, if such exists.

ARTICLE 55

Where any action of personal status involves persons of different religious communities, application may be made by any party to the Chief Justice, who shall, with the assistance, if he thinks fit, of assessors from the communities concerned, decide which Court shall have jurisdiction. Whenever a question arises as to whether or not a case is one of personal status within the exclusive jurisdiction of a Religious Court, the matter shall be referred to a Special Tribunal of which the constitution shall be prescribed by Ordinance.

ARTICLE 56

The judgments of the Religious Courts shall be executed by the process and offices of the Civil Courts.

## ARTICLE 65

Nothing in the preceding Article shall be construed to prevent foreigners from consenting to such matters being tried by the Courts of the Religious Communities having jurisdiction in like matters affecting Palestinian citizens.

The Courts of the Religious Communities other than the Moslem Religious Courts shall not, however, have power to grant a decree of dissolution of marriage to a foreign subject.

## PART VIII

## GENERAL

## ARTICLE 83

All persons in Palestine shall enjoy full liberty of conscience, and the free exercise of their forms of worship subject only to the maintenance of public order and morals. Each religious community recognized by the Government shall enjoy autonomy for the internal affairs of the community subject to the provisions of any Ordinance or Order issued by the High Commissioner.

## (D) TANGANYIKA TERRITORY

BRITISH MANDATE (CLASS B) APPROVED BY THE  
COUNCIL OF THE LEAGUE OF NATIONS, JULY 20,  
1922<sup>1</sup>

## ARTICLE 8

The Mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; missionaries who are nationals of States Members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the territory; it being understood, however, that the Mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

<sup>1</sup> H.M. Stationery Office, London [Cmd. 1794], 1923.

(E) TOGOLAND

BRITISH MANDATE (CLASS B) APPROVED BY THE  
COUNCIL OF THE LEAGUE OF NATIONS, JULY 20,  
1922<sup>1</sup>

ARTICLE 7

(The text of this Article is the same as Article 8 in the Mandate for Tanganyika.)

(F) CAMEROONS

BRITISH MANDATE (CLASS B) APPROVED BY THE  
COUNCIL OF THE LEAGUE OF NATIONS, JULY 20,  
1922<sup>1</sup>

ARTICLE 7

(The text of this Article is the same as Article 8 in the Mandate for Tanganyika.)

(G) SOUTH-WEST AFRICA

SOUTH AFRICAN MANDATE (CLASS C) APPROVED BY  
THE COUNCIL OF THE LEAGUE OF NATIONS, DE-  
CEMBER 17, 1920<sup>2</sup>

ARTICLE 5

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State Member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

<sup>1</sup> H.M. Stationery Office, London [Cmd. 1794], 1923.

<sup>2</sup> *Ibid.* [Cmd. 1204], 1921.

**(H) GERMAN POSSESSIONS IN THE PACIFIC OCEAN  
SOUTH OF THE EQUATOR (OTHER THAN  
SAMOA AND NAURU)**

**AUSTRALIAN MANDATE (CLASS C) APPROVED BY THE  
COUNCIL OF THE LEAGUE OF NATIONS, DECEMBER  
17, 1920 <sup>1</sup>**

**ARTICLE 5**

(The text of this Article is the same as Article 5 in the Mandate for South-West Africa.)

**(I) SAMOA**

**NEW ZEALAND MANDATE (CLASS C) APPROVED BY THE  
COUNCIL OF THE LEAGUE OF NATIONS, DECEMBER  
17, 1920 <sup>2</sup>**

**ARTICLE 5**

(The text of this Article is the same as Article 5 in the Mandate for South-West Africa.)

**(J) NAURU**

**BRITISH EMPIRE MANDATE (CLASS C) APPROVED BY THE  
COUNCIL OF THE LEAGUE OF NATIONS, DECEMBER  
17, 1920 <sup>3</sup>**

**ARTICLE 5**

(The text of this Article is the same as Article 5 in the Mandate for South-West Africa.)

<sup>1</sup> H.M. Stationery Office, London [Cmd. 1201], 1921.

<sup>2</sup> *Ibid.* [Cmd. 1203], 1921.

<sup>3</sup> *Ibid.* [Cmd. 1202], 1921.



(K) UNION OF SOUTH AFRICA

IMMIGRANTS' REGULATION ACT, NO. 22 OF 1913<sup>1</sup>

CHAPTER II. PROHIBITED IMMIGRATION

4. (1) Any such person as is described in any paragraph of this sub-section who enters or is found within this Union, or who, though lawfully resident in one Province, enters or is found in another Province in which he is not lawfully resident, shall be a prohibited immigrant in respect of the Union or of that other Province (as the case may be) that is to say :

(a) any person or class of persons deemed by the Minister on economic grounds or on account of standard or habits of life to be unsuited to the requirements of the Union or any particular Province thereof. . . .

[The Under Secretary for the Interior, in a letter dated July 5, 1921, made the following statement in regard to the admission of alien missionaries into the Union of South Africa :

In view of the increased number of applications from persons representing themselves to be missionaries it has been found necessary to control the admission of such persons more strictly than in the past. Applications are therefore required to be submitted to this Department through the Head of the Mission or Church in South Africa under which the intending entrants will work. Permits to enter this country will be issued by this Department in approved cases to enable the holders to obtain a visa on their passports for the journey to the Union, but the admission of all persons is subject to the requirements of the Immigrants' Regulation Act No. 22 of 1913. . . . No special Regulation has been published in this matter, but this action is taken under the provisions of the Act quoted.]

<sup>1</sup> Union of South Africa ; Government Printing and Stationery Office, Pretoria, 1920.

### III. FRENCH COLONIES AND MANDATED TERRITORIES

#### (A) MADAGASCAR

##### RAPPORT

AU PRÉSIDENT DE LA RÉPUBLIQUE FRANÇAISE <sup>1</sup>

PARIS, le 11 mars 1913.

MONSIEUR LE PRÉSIDENT,

Il est apparu à mes honorables prédécesseurs et à moi-même qu'il y avait intérêt, après l'expérience faite en France de la séparation des Églises et de l'État, à adopter dans notre grande colonie de l'Océan indien un régime des cultes inspiré des principales dispositions et de l'esprit général de notre législation métropolitaine.

La nécessité d'une réglementation culturelle à Madagascar s'est depuis longtemps fait sentir. Or cette réglementation n'avait été jusqu'ici qu'à peine abordée. Si un arrêté du gouverneur général, en date du 8 juin 1901, a réglé en effet la question de la propriété des églises et des temples, aucun texte encore n'a fixé les conditions de l'ouverture, de l'affectation, et de la possession des édifices du culte. Il en est résulté toute une série de protestations et de polémiques. L'administration, tant locale que métropolitaine, s'est trouvée désarmée pour résoudre les difficultés qui lui étaient soumises, d'autant plus que l'autorité judiciaire s'était déclarée incompétente, et qu'aucune disposition législative n'était venue confier aux juridictions contentieuses le règlement de pareils litiges.

Il a donc semblé nécessaire de confirmer le principe de la liberté des cultes, et, en même temps, d'en assurer l'exercice. A cette fin, des règles très simples et très libérales de police ont été prévues, une sorte d'état civil a été constitué pour les édifices culturels, et les relations entre les divers cultes, les pouvoirs publics, et la population, ont été déterminées.

Cette étude a été poursuivie contradictoirement à la fois dans les services de l'administration locale et dans ceux de mon administra-

<sup>1</sup> Journal officiel de la République française, le 14 mars, 1913.

tion centrale, après consultation de toutes les personnalités compétentes. Le conseil d'État a bien voulu lui donner la garantie de sa science juridique et de sa haute impartialité. J'ai tout lieu de croire, que, dans ces conditions, l'acte qui est présenté à la sanction éminente du chef de l'État est de nature à assurer à Madagascar le régime de paix intérieure et de liberté de conscience qui répond le mieux aux intentions du Gouvernement de la République.

Si telle est votre appréciation, je vous serais obligé de vouloir bien revêtir, monsieur le Président, le présent décret de votre signature, et je vous renouvelle l'hommage de mes sentiments profondément respectueux.

Le ministre des colonies,  
J. MOREL

LE PRÉSIDENT DE LA RÉPUBLIQUE FRANÇAISE,

Sur le rapport du ministre des colonies,

Vu la loi du 9 décembre 1905, concernant la séparation des Églises et de l'État, et notamment l'article 43, paragraphe 2, ainsi conçu :

“Des règlements d'administration publique détermineront les conditions dans lesquelles la présente loi sera applicable à l'Algérie et aux colonies” ;

Vu la loi du 2 janvier 1907, concernant l'exercice public des cultes ;

Vu la loi du 28 mars 1907, relative aux réunions publiques, et notamment l'article 3 ainsi conçu :

“Des règlements d'administration publique détermineront les conditions dans lesquelles la présente loi et celle du 2 janvier 1907 seront applicables à l'Algérie et aux colonies.”

Vu la loi du 13 avril 1908, modifiant les articles 6, 7, 9, 10, 13 et 14 de la loi du 9 décembre 1905 ;

Vu l'article 18 du sénatus-consulte du 3 mai 1854 ;

Vu la loi du 6 août 1896, déclarant colonie française l'île de Madagascar et dépendances ;

Vu le décret du 9 juin 1896, réorganisant le service de la justice à Madagascar ;

Vu les décrets du 11 décembre 1895 et du 30 juillet 1897, organisant le gouvernement général de Madagascar ;

Le conseil d'État entendu,

DECRETE :

## TITRE I

## PRINCIPES

ART. 1.—La République assure la liberté de conscience. Elle garantit le libre exercice des cultes, sous les seules restrictions édictées ci-après, dans l'intérêt de l'ordre public.

ART. 2.—La République ne reconnaît, ne salarie, ni ne subventionne aucun culte.

En conséquence, aucune dépense relative à l'exercice des cultes ne peut être inscrite aux budgets de Madagascar et de ses dépendances, ni aux budgets des communes de la colonie. Pourront toutefois être inscrites auxdits budgets des dépenses relatives à des services d'aumônerie, et destinées à assurer le libre exercice des cultes dans les établissements publics tels que lycées, collèges, écoles, hospices, asiles et prisons.

## TITRE II

## ÉDIFICES DU CULTE

ART. 3.—Les édifices du culte qui ont été construits sur un terrain domanial, ou pour la construction desquels il a été fait appel soit à des souscriptions en majeure partie locales, soit à la main-d'œuvre gratuite des indigènes, sont propriété de la colonie.

Les autres édifices du culte peuvent être immatriculés dans les conditions prévues par le décret du 4 février 1911 sur la propriété foncière à Madagascar.

ART. 4.—L'ouverture d'un édifice au culte public est autorisée par arrêté du gouverneur général, sur la demande adressée à celui-ci par la collectivité des fidèles.

Le gouverneur général ne peut ajourner ou refuser l'autorisation que dans les cas prévus aux articles 5 et 6.

ART. 5.—Pour des motifs tirés de la sûreté publique, le gouverneur général peut ajourner à un an au plus l'ouverture au culte public du nouvel édifice. Ces motifs doivent être énoncés dans l'arrêté du gouverneur général. Si les circonstances l'exigent, la mesure peut être renouvelée, d'année en année, par de nouveaux arrêtés motivés du gouverneur général, pris en conseil d'administration.

ART. 6.—En dehors des territoires érigés en communes et des agglomérations de 4000 habitants au moins, le gouverneur général

peut refuser l'autorisation d'ouvrir un édifice au culte public si dans un rayon de 8 kilomètres le nombre des édifices domaniaux consacrés au culte est déjà de 5, ou si dans un rayon de 5 kilomètres le nombre des fidèles intéressés à l'ouverture de l'édifice au culte est inférieur à 80.

ART. 7.—Le collectivité des fidèles peut considérer l'autorisation comme accordée si, dans les cinq mois à dater de sa demande, elle ne reçoit aucune réponse du gouverneur général.

ART. 8.—Les édifices domaniaux ouverts au culte public restent affectés aux collectivités qui en ont demandé l'ouverture au culte tant que celles-ci se conforment aux règles générales d'organisation du culte dont elles se proposent d'assurer l'exercice.

Les contestations sur la jouissance d'un édifice domanial ouvert au culte public sont réglées par le conseil du contentieux sauf recours au conseil d'État.

ART. 9.—Les collectivités de fidèles auxquelles sont affectés les édifices domaniaux ouverts au culte public, sont tenues des réparations de toute nature, ainsi que des frais d'assurance et autres charges afférentes à ces édifices.

La colonie peut néanmoins engager les dépenses nécessaires pour l'entretien et la conservation de ces édifices.

ART. 10.—Un édifice ouvert au culte public peut être fermé pour un an au plus, par arrêté du gouverneur général, pour des motifs tirés de la sûreté publique; ces motifs doivent être énoncés dans l'arrêté. La mesure peut être renouvelée d'année en année, si les circonstances l'exigent, par de nouveaux arrêtés motivés pris en conseil d'administration.

ART. 11.—Un édifice domanial ouvert au culte public peut être désaffecté par arrêté du gouverneur général.

1. Si, en dehors des cas de force majeure, le culte cesse d'être célébré pendant plus de six mois consécutifs;

2. Si la conservation de l'édifice est compromise par insuffisance d'entretien et si la collectivité des fidèles régulièrement mise en demeure d'effectuer les réparations urgentes n'a pas, dans les trois mois à dater de cette mise en demeure, pris les mesures nécessaires;

3. Si l'édifice est détourné de sa destination.

ART. 12.—Dans les six mois qui suivront la publication du présent décret, le gouverneur général fera dresser un état des édifices ouverts au culte public.

Les édifices ouverts au culte public à la date du 1<sup>er</sup> janvier 1912,

en vertu d'autorisations émanant soit du gouverneur général, soit des chefs de province ou commandants de cercle seront inscrits sur cet état.

Les édifices existant à la même date et ouverts au culte public sans autorisation pourront être également inscrits sur l'état, en vertu d'une décision du gouverneur général, prise après enquête.

Chaque année, l'état sera complété par l'inscription des édifices régulièrement ouverts au culte public au cours de l'année précédente.

Les articles 8, 9, 10 et 11 du présent décret sont applicables de plein droit aux édifices inscrits sur cet état.

### TITRE III

#### EXERCICE DU CULTE

ART. 13.—Les collectivités de fidèles subviennent à l'entretien de l'édifice consacré au culte, aux frais et à l'exercice public de ce culte.

Elles peuvent recevoir des cotisations, le produit des quêtes et collectes, ainsi que des rétributions pour les cérémonies et services religieux, la location des bancs et sièges, la fourniture des objets destinés au service des funérailles dans les édifices religieux et à la décoration des édifices. Elles ne peuvent, sous quelque forme que ce soit, recevoir des subventions de l'État, de la colonie ou des communes.

ART. 14.—Les collectivités de fidèles peuvent sans autorisation spéciale, désigner des représentants et constituer des assemblées dans le seul but de régler les questions concernant l'exercice du culte. Déclaration de ces assemblées doit être faite au chef de la province ou au commandant du cercle. Une seule déclaration suffit pour celles de ces assemblées qui sont périodiques.

ART. 15.—Les collectivités jouissant d'un édifice cultuel désignent un délégué chargé de leurs rapports avec l'administration en se conformant aux règles d'organisation du culte dont elles se proposent d'assurer l'exercice.

### TITRE IV

#### POLICE DES CULTES

ART. 16.—Les réunions tenues en vue de la célébration d'un culte sont publiques.

L'arrêté en vertu duquel un édifice est ouvert au culte public

autorise pour l'avenir toutes les réunions tenues dans cet édifice en vue de la célébration du culte jusqu'à la désaffectation.

ART. 17.—Des réunions publiques ayant pour objet l'exercice d'un culte peuvent être tenues dans des immeubles particuliers si dix fidèles au moins le demandent, et si dans un rayon de 5 kilomètres il n'existe pas d'édifices ouverts à ce culte.

A cet effet, une autorisation doit être demandée au chef de la province ou au commandant du cercle.

La demande indique la nature du culte et le local où seront tenues les réunions.

ART. 18.—Pour des motifs tirés de la sûreté publique, le chef de province ou le commandant du cercle peut ajourner, pour un an au plus, l'autorisation de tenir des réunions publiques dans un immeuble particulier en vue de l'exercice d'un culte. Ces décisions doivent être motivées et approuvées par le gouverneur général. Si les circonstances l'exigent, la mesure peut être renouvelée d'année en année dans les mêmes formes.

Pour les mêmes motifs, et dans les mêmes formes également, l'autorisation accordée peut être retirée.

ART. 19.—Les réunions accidentelles tenues à l'occasion du passage d'un ministre du culte dans les régions où il n'existe pas de fidèles de la confession à laquelle il appartient doivent être préalablement autorisées par le chef de la province ou le commandant du cercle.

ART. 20.—Les autorisations prévues par les articles précédents sont considérées comme accordées si, dans le délai d'un mois à dater de la réception de la demande adressée par les intéressés, le chef de la province ou le commandant de cercle n'a pas répondu.

ART. 21.—Les cérémonies cultuelles auxquelles il est procédé dans l'intérieur de la famille, notamment à l'occasion des naissances, mariages et décès, peuvent avoir lieu sans autorisation.

ART. 22.—Les réunions publiques ayant pour objet l'exercice d'un culte, restent, dans l'intérêt de l'ordre public, placées sous la surveillance des autorités administratives.

ART. 23.—Il est interdit de tenir des réunions publiques dans les lieux servant habituellement à l'exercice d'un culte.

ART. 24.—Les manifestations extérieures du culte et les sonneries de cloches sont réglées par arrêté du gouverneur général.

ART. 25.—Il est interdit, à l'avenir, d'élever ou d'apposer aucun signe ou emblème religieux sur les monuments publics ou en quelque emplacement public que ce soit, à l'exception des édifices servant

au culte, des terrains de sépulture dans les cimetières, des monuments funéraires, ainsi que des musées ou expositions.

ART. 26.—Les contraventions aux articles 17, 19, 23 et 25 sont punies des peines de simple police.

Sont passibles de ces peines, dans le cas des articles 17, 19 et 23 ceux qui ont organisé la réunion ou manifestation, et dans le cas des articles 17 et 19, ceux qui y ont participé en qualité de ministre du culte et ceux qui ont fourni le local.

ART. 27.—L'enseignement religieux ne peut être donné aux enfants âgés de six à treize ans, inscrits dans les écoles publiques, qu'en dehors des heures de classe.

Les ministres des cultes qui enfreindront cette disposition seront passibles des peines de simple police, conformément aux articles 479, 480 et suivants du code pénal.

ART. 28.—Sont punis d'une amende de 16 à 200 fr. et d'un emprisonnement de six jours à deux mois, ou de l'une de ces deux peines seulement, ceux qui, par voies de fait, violences ou menaces contre un individu, soit en lui faisant craindre de perdre son emploi ou d'exposer à un dommage sa personne, sa famille ou sa fortune, l'auront déterminé à exercer, ou à s'abstenir d'exercer, un culte, à contribuer, ou à s'abstenir de contribuer, aux frais d'un culte.

ART. 29.—Seront punis des mêmes peines ceux qui auront empêché, retardé ou interrompu les exercices d'un culte par des troubles ou désordres, causés dans le local servant à ces exercices.

ART. 30.—Les dispositions des deux articles précédents ne s'appliquent qu'aux troubles, outrages ou voies de fait dont la nature ou les circonstances ne donneront pas lieu à de plus fortes peines d'après les dispositions du code pénal.

ART. 31.—Tout ministre d'un culte qui, dans les lieux où s'exerce ce culte, aura, publiquement, par des discours prononcés, des lectures faites, des écrits distribués ou des affiches apposées, outragé ou diffamé un citoyen chargé d'un service public, sera puni d'une amende de 500 à 3000 fr. et d'un emprisonnement d'un mois à un an ou de l'une de ces deux peines seulement. La vérité du fait diffamatoire, mais seulement s'il est relatif aux fonctions, pourra être établie devant le tribunal correctionnel, dans les formes prévues par l'article 52 de la loi du 29 juillet 1881. Les prescriptions édictées par l'article 65 de la même loi s'appliquent aux délits du présent article et de l'article qui suit.

ART. 32.—Si un discours prononcé ou un écrit affiché ou distribué



publiquement dans les lieux où s'exerce le culte contient un outrage à l'égard de la France, une provocation à résister à l'exécution des lois ou actes légaux de l'autorité publique, ou s'il tend à soulever ou armer une partie des citoyens contre les autres, le ministre du culte qui s'en sera rendu coupable sera puni d'un emprisonnement de trois mois à deux ans, sans préjudice des peines de complicité dans le cas où la provocation aurait été suivie d'une sédition, révolte ou guerre civile.

ART. 33.—Dans les cas prévus par les articles 31 et 32, l'édifice où aura été commis le délit pourra, par arrêté motivé du gouverneur général, être fermé au culte pour une durée qui n'excédera pas un an.

## TITRE V

### DISPOSITIONS GENERALES

ART. 34.—L'article 463 du code pénal et la loi du 26 mars 1891 sont applicables à tous les cas où le présent décret édicte des pénalités.

ART. 35.—Il sera statué ultérieurement sur le régime applicable à Mayotte et aux Comores.

ART. 36.—Sont et demeurent abrogées toutes les dispositions contraires au présent décret.

ART. 37.—Le ministre des colonies est chargé de l'exécution du présent décret, qui sera publié au *Journal officiel* de la République française et inséré au *Bulletin des lois* et au *Bulletin officiel* du ministère des colonies.

Fait à Paris, le 11 mars 1913.

R. POINCARÉ

Par le Président de la République :

Le Ministre des Colonies,

J. MOREL

[Translation]

## REPORT TO THE PRESIDENT OF THE FRENCH REPUBLIC

PARIS, March 11, 1913

M. LE PRÉSIDENT,

My predecessors and I considered that it would be advantageous, after the experience gained in France of the separation of the Churches and the State, to adopt in our great colony in the Indian Ocean a religious

régime based on the main provisions and the general spirit of our metropolitan legislation.

The necessity for the regulation of religion in Madagascar has long been felt. But such regulation had hitherto only just been touched upon. Even though an order of the Governor-General, dated the 8th June, 1901, settled the question of the property of religious buildings of any confession (*des églises et des temples*), no act has up to the present determined the conditions of the opening, the appropriation or the possession of the places of worship. The result was a whole series of protests and controversies. The administration, local as well as metropolitan, was helpless to resolve the difficulties which were submitted to it, all the more so since the judicial authority was declared incompetent, and since there was no legislation providing that the regulation of such disputes should be entrusted to contentious jurisdiction.

It therefore appeared necessary to confirm the principle of religious freedom and, at the same time, to give security to the exercise of worship. To this end, very simple and very liberal regulations of organization have been drawn up, a kind of civil register has been constituted for places of worship, and the relations between the various creeds, the public authorities and the population have been determined.

After hearing all parties, the study of this question has been prosecuted simultaneously in the services of the local administration and in those of my central administration, after consultation with all the competent individuals. The Council of State was good enough to promise the support of its judicial knowledge and its entire impartiality. I have every reason to believe that in these circumstances the document which is submitted for the sanction of the head of the State is of such a nature as to ensure to Madagascar a régime of internal peace and freedom of conscience which is in full accordance with the intentions of the Government of the Republic.

If such is your estimation, I should be obliged, M. le Président, if you would be good enough to append your signature to the present decree.

I have, etc.,

J. MOREL,  
Minister for the Colonies

THE PRESIDENT OF THE FRENCH REPUBLIC,  
On the recommendation of the Minister for the Colonies,

In consideration of the law of the 9th December 1905, concerning the separation of the Churches and the State, and especially article 43, paragraph 2, which is in the following terms :

“Regulations of public administration will determine the conditions in which the present law will be applicable in Algeria and in the colonies” ;

In consideration of the law of the 2nd January 1907, concerning the public exercise of worship ;

In consideration of the law of the 28th March 1907, relative to public meetings, and especially article 3, which is in the following terms :

“ Regulations of public administration will determine the conditions in which the present law and that of the 2nd January 1907 will be applicable in Algeria and in the colonies ” ;

In consideration of the law of the 13th April 1908, modifying articles 6, 7, 9, 10, 13 and 14 of the law of the 9th December 1905 ;

In consideration of article 18 of the decree of the Senate of the 3rd May 1854 ;

In consideration of the law of the 6th August 1896, declaring the Island of Madagascar and dependencies to be a French colony ;

In consideration of the decree of the 9th June 1896, reorganizing the judicial service in Madagascar ;

In consideration of the decrees of the 11th December 1895 and the 30th July 1897, organizing the general government of Madagascar ;

The Council of State agreeing,

Decrees as follows :

## PART I

### PRINCIPLES

ART. 1.—The Republic shall ensure freedom of conscience. It shall guarantee the free exercise of worship, subject only to the restrictions prescribed hereafter, in the interests of public order.

ART. 2.—The Republic shall not recognize, remunerate nor subsidize any creed.

Consequently, no expense relative to the exercise of public worship may be included in the budgets of Madagascar or its dependencies, or in the budgets of the communes of the colony. It shall nevertheless be permissible to include in the said budgets expenditure relative to works of charity and assigned to ensure the free exercise of worship in public establishments such as academies, colleges, schools, hospitals, asylums and prisons.

## PART II

### PLACES OF WORSHIP

ART. 3.—Places of worship which have been built on government land, or for the construction of which appeal was made for subscriptions the majority of which were local, or for gratuitous work by the natives, shall be the property of the colony.

Other places of worship may be registered under the conditions provided in the decree of the 4th February 1911 relative to landed property in Madagascar.

ART. 4.—The opening of a building for public worship shall be authorized by order of the Governor-General on a request being addressed to him by the congregation of worshippers.

The Governor-General may adjourn or refuse authorization only in the cases prescribed in articles 5 and 6.

ART. 5.—For reasons of public security, the Governor-General may adjourn for one year at the most the opening for public worship of the new building. These reasons must be set forth in the order of the Governor-General. If circumstances demand it, the measure may be renewed from year to year by fresh orders, giving the reasons therefor, of the Governor-General, approved by the Council of Administration.

ART. 6.—Outside of territories established as communes and of communities of at least 4000 inhabitants, the Governor-General may refuse to authorize the opening of a building for public worship if within a radius of 8 kilometres there are already 5 government buildings consecrated for worship, or if within a radius of 5 kilometres the number of worshippers interested in the opening of the building for worship is less than 80.

ART. 7.—The congregation of worshippers may consider that authority is granted if, within five months from the date of its request, it receives no reply from the Governor-General.

ART. 8.—Government buildings opened for public worship shall remain appropriated to the congregations who requested their opening for worship so long as those congregations shall conform to the general rules of organization of the creed the exercise of which they purpose ensuring.

Disputes respecting the enjoyment of the use of a government building opened for public worship shall be regulated by the Council of Litigation, subject to right of appeal to the Council of State.

ART. 9.—The congregations of worshippers to whom the government buildings opened for public worship are appropriated, shall be held responsible for repairs of any kind whatsoever, as well as for insurance expenses and other charges relating to the said buildings.

The colony may, however, give security for the expenses necessary for the maintenance and preservation of the said buildings.

ART. 10.—A building opened for public worship may be closed for one year at the most, by order of the Governor-General, for reasons of public security; these reasons must be set forth in the order. The measure may be renewed from year to year, if circumstances demand it, by fresh orders, giving the reasons therefor, approved by the Council of Administration.

ART. 11.—A government building opened for public worship may be expropriated by order of the Governor-General:

1. If, apart from the case of *force majeure*, worship ceases to be celebrated for more than six consecutive months ;

2. If the preservation of the building is endangered through lack of repair, and if the congregation of worshippers, having been duly called upon to effect the urgent repairs, has not, within three months dating from this demand, taken the necessary measures ;

3. If the building is employed for other than its appointed purpose.

ART. 12.—Within the six months following the publication of the present decree, the Governor-General shall cause a register of buildings opened for public worship to be drawn up.

Buildings opened for public worship on the 1st January 1912, by virtue of authorization from the Governor-General, from the heads of provinces or divisional chiefs, shall be included in the said register.

Buildings existing on the same date and opened for public worship without authorization may also be included in the register by virtue of a decision taken by the Governor-General after investigation.

The register shall be completed every year by the inclusion of buildings duly opened for public worship during the course of the preceding year.

Articles 8, 9, 10 and 11 of the present decree shall be applicable of right to buildings included in the said register.

### PART III

#### EXERCISE OF WORSHIP

ART. 13.—The congregations of worshippers shall provide for the maintenance of the building dedicated to worship, for the expenses and for the public exercise of such worship.

They may receive contributions, the proceeds of appeals and collections, as well as remuneration for religious ceremonies and services, the letting of pews and seats, the supply of articles for funeral services in religious buildings and for the decoration of the buildings. They may not, under any form whatsoever, receive grants from the State, from the colony or from the communes.

ART. 14.—The congregations of worshippers may, without special authorization, appoint representatives and constitute assemblies with the sole object of regulating questions concerning the exercise of worship. A declaration of such assemblies must be made to the head of the province or to the chief of the division. A single declaration shall suffice for such of these assemblies as may be periodical.

ART. 15.—Congregations enjoying the use of a place of worship shall appoint a delegate to be charged with their relations with the administration in conformity with the rules of organization of the creed the exercise of which they purpose ensuring.

## PART IV

## ORGANIZATION OF WORSHIP

ART. 16.—Meetings held for the purpose of celebrating worship shall be public.

The order by virtue of which a building is opened for public worship shall authorize for the future all meetings held in that building for the purpose of the celebration of worship until such time as it may be expropriated.

ART. 17.—Public meetings, the object of which is the exercise of worship, may be held on private property if at least ten worshippers so request, and if within a radius of 5 kilometres there exist no buildings opened for such worship.

For this purpose, authorization must be requested from the head of the province or from the chief of the division.

The request shall indicate the nature of the creed and the place where the meetings will be held.

ART. 18.—For reasons of public security, the head of the province or the chief of the division may adjourn, for one year at the most, the authorization for holding public meetings on private property for the purpose of the exercise of worship. The reasons for such decisions must be given and approved by the Governor-General. If circumstances demand it, the measure may be renewed from year to year in the same form.

For the same reasons and likewise in the same form, authorization which has been granted may be withdrawn.

ART. 19.—Incidental meetings held on the occasion of the passage of a minister of religion through districts where there are no worshippers of the faith to which he belongs must be previously authorized by the head of the province or the chief of the division.

ART. 20.—The authorizations prescribed in the preceding articles shall be considered as granted if within one month dating from the receipt of the request by the parties concerned, the head of the province or the chief of the division shall not have replied.

ART. 21.—Religious ceremonies within a household, especially on the occasion of births, marriages and deaths, may take place without authorization.

ART. 22.—Public meetings held for the purpose of the exercise of worship shall, in the interests of public order, be placed under the supervision of the administrative authorities.

ART. 23.—It shall be forbidden to hold public meetings in places ordinarily serving for the exercise of worship.

ART. 24.—Outward rites and ceremonies of worship and the ringing of bells shall be regulated by order of the Governor-General.

ART. 25.—It shall be forbidden in future to erect or to affix any religious sign or emblem on public monuments or in any public place whatsoever, with the exception of buildings set apart for worship, burial grounds in cemeteries, funeral monuments, museums or exhibitions.

ART. 26.—Contraventions of articles 17, 19, 23 and 25 shall be punished by simple police penalties.

In the case of articles 17, 19 and 23 those persons who organized the meeting or manifestation shall be liable to the above-mentioned penalties, and, in the case of articles 17 and 19, the persons who participated as ministers of religion and those who provided the place of worship.

ART. 27.—Religious instruction may be given to children aged from six to thirteen years who are on the registers of public schools only outside of school hours.

Ministers of religion who infringe this provision shall be liable to simple police penalties, in accordance with articles 479, 480 *et seq.* of the penal code.

ART. 28.—Any person who, by assault, violence or threat against an individual, either by causing him to fear that he will lose his employment or will expose his person, his family or his fortune to injury shall have made him resolve to exercise, or to abstain from exercising, a religion, to contribute, or to abstain from contributing, to the expenses of a religion, shall be punished by a fine of from 16 to 200 francs and by imprisonment for from six days to two months, or by only one of these two penalties.

ART. 29.—Any person who shall have prevented, delayed or interrupted the exercise of worship by disturbances or disorders caused in the place employed for such exercise, shall be punished by the same penalties.

ART. 30.—The provisions of the two preceding articles shall apply only to disturbances, outrages or acts of violence the nature or circumstances of which shall not give rise to heavier penalties under the provisions of the penal code.

ART. 31.—Any minister of religion who, in the places where such religion is exercised, shall publicly, by speeches pronounced, by lectures made, by writings distributed or by bills posted, have insulted or libelled a citizen charged with a public duty, shall be punished by a fine of from 500 to 3000 francs and by imprisonment from one month to one year, or by only one of these two penalties. The truth of the libellous matter, but only if it relates to duties, may be established before the correctional tribunal, in the manner prescribed in article 52 of the law of the 29th July 1881. The provisions enacted by article 65 of the same law shall apply to offences under the present article and under the following article.

ART. 32.—If a speech pronounced or a writing posted or distributed publicly in places where worship is exercised contains a libel in regard

to France, a provocation to resist the execution of the laws or legal acts of the public authority, or if it tends to incite or to arm one party of citizens against the others, the minister of religion who shall be guilty thereof shall be punished by imprisonment of from three months to two years, without prejudice to the penalties of complicity should the provocation be followed by sedition, revolt or civil war.

ART. 33.—In the cases mentioned in articles 31 and 32, the building where the offence shall have been committed may, by order of the Governor-General, giving the reason therefor, be closed to worship for a period which shall not exceed one year.

## PART V

### GENERAL PROVISIONS

ART. 34.—Article 463 of the penal code and the law of the 26th March 1891 shall be applicable in all cases where the present decree prescribes penalties.

ART. 35.—The régime applicable to Mayotta and the Comoro Islands shall be prescribed at a later date.

ART. 36.—All provisions contrary to the present decree are and shall remain abrogated.

ART. 37.—The Minister for the Colonies shall be charged with the execution of the present decree, which shall be published in the *Journal officiel* of the French Republic and inserted in the *Bulletin des Lois* and the *Bulletin officiel* of the Ministry for the Colonies.

Done at Paris, the 11th March 1913.

R. POINCARÉ

By the President of the Republic :

The Minister for the Colonies,

J. MOREL

## (B) FRENCH EQUATORIAL AFRICA

### ARRÊTÉ FIXANT LE RÉGIME PUBLIC DES CULTES EN AFRIQUE EQUATORIALE FRANÇAISE <sup>1</sup>

LE GOUVERNEUR GÉNÉRAL DE L'AFRIQUE EQUATORIALE FRANÇAISE,

Vu le décret du 15 janvier 1910, portant création du Gouvernement général de l'Afrique Equatoriale Française ;

<sup>1</sup> Journal officiel de l'Afrique equatoriale française, le 1<sup>er</sup> juin 1921.



Vu la convention signée à Saint-Germain-en-Laye le 10 septembre 1919,

ARRÊTÉ :

ARTICLE 1<sup>ER</sup>

Toute personne se proposant d'ouvrir un établissement, de construire un édifice consacré au culte ou à l'enseignement religieux, ou à la fois à ces deux objets, adressera au chef de subdivision de la région, siège de l'établissement ;

1°. Une déclaration indiquant le lieu exact où sera l'établissement ;

2°. Les noms des officiants et catéchistes tant européens qu'indigènes ;

3°. L'indication de la langue dans laquelle se fera l'enseignement ;

4°. Un exemplaire des livres employés par les professeurs, distribués ou vendus aux fidèles ;

5°. Les modifications apportées aux déclarations prescrites par les paragraphes 2 et 4, seront immédiatement portées à la connaissance du chef de subdivision.

ARTICLE 2

Les cérémonies du culte, l'enseignement doivent être publics.

L'enseignement et la prédication ne pourront être donnés qu'en langue indigène ou en français.

ARTICLE 3

Aucun autre enseignement que celui de la religion ne peut être donné dans les édifices ou établissements ouverts conformément aux stipulations de l'article 1<sup>er</sup>.

ARTICLE 4

Si un enseignement autre que l'enseignement religieux est donné dans les édifices sus-désignés, l'établissement sera immédiatement fermé, conformément aux dispositions de l'arrêté du 28 décembre 1920 sur l'enseignement privé.

ARTICLE 5

Le present arrêté sera enregistré et communiqué partout où besoin sera.

VICTOR AUGAGNEUR

BRAZZAVILLE, le 27 mai 1921.

[Translation]

**ORDER PRESCRIBING THE PUBLIC REGULATION OF WORSHIP  
IN FRENCH EQUATORIAL AFRICA****THE GOVERNOR-GENERAL OF EQUATORIAL AFRICA,**

In consideration of the decree of the 15th January 1910, establishing the Governorship-General of French Equatorial Africa ;

In consideration of the convention signed at Saint-Germain-en-Laye on the 10th September 1919,

Orders as follows :

**ARTICLE 1**

Any person who proposes to open an establishment, to construct a building dedicated for worship or for religious instruction, or for these two purposes simultaneously, shall address to the head of the subdivision of the district where the establishment is to be founded :

1. A declaration indicating the exact position where the establishment will be ;

2. The names of the officiating ministers and catechists, European and native ;

3. Information respecting the language in which instruction will be given ;

4. A copy of the books employed by the teachers and distributed or sold to the worshippers ;

5. Any modification in the declarations required by paragraphs 2 and 4 shall be brought immediately to the knowledge of the head of the subdivision.

**ARTICLE 2**

Religious ceremonies and instruction must be public.

Instruction and preaching may only be delivered in the native tongue or in French.

**ARTICLE 3**

No instruction other than that of religion may be given in the buildings or establishments opened in conformity with the provisions of Article 1.

**ARTICLE 4**

If instruction other than religious instruction is given in the aforementioned buildings, the establishment shall immediately be closed in conformity with the provisions of the order of the 28th December 1920 respecting private instruction.

ARTICLE 5

The present order shall be recorded and communicated wheresoever it may be necessary.

VICTOR AUGAGNEUR

BRAZZAVILLE, May 27, 1921

[The south-eastern portion of French Equatorial Africa falls within the area covered by the Convention Revising the General Act of Berlin (see pp. 7-9).]

(C) FRENCH WEST AFRICA

RAPPORT

AU PRÉSIDENT DE LA RÉPUBLIQUE FRANÇAISE<sup>1</sup>

PARIS, le 14 février 1922

MONSIEUR LE PRÉSIDENT,

Le protocole de Saint-Germain en date du 10 septembre 1919, portant revision de l'acte général de Berlin du 26 février 1885 et de l'acte général et de la déclaration de Bruxelles du 2 juillet 1890, à institué un régime de liberté protégée en faveur des missions religieuses étrangères qui désiraient évangéliser les populations des colonies africaines.

Les puissances signataires se sont engagées par cet acte à protéger et à favoriser ' sans distinction de nationalité ni de culte, les institutions et les entreprises religieuses, scientifiques ou charitables créées et organisées par les ressortissants des autres puissances signataires.'

L'article 11, *in fine*, de ladite convention complète ces prescriptions en déclarant que ; ' l'application des dispositions prévues aux deux alinéas précédents ne comportera pas d'autres restrictions que celles qui seront nécessaires au maintien de la sécurité, l'ordre public, ou qui résulteront du droit constitutionnel de chacune des puissances exerçant l'autorité dans les territoires africains.'

Le projet de décret ci-après que m'a soumis M. le gouverneur général de l'Afrique occidentale française a pour but d'établir dans cette colonie un régime légal de contrôle tant de l'exercice des cultes que de l'enseignement privé donné par les associations religieuses aussi bien françaises qu'étrangères. Ne faisant entre ces dernières

<sup>1</sup> Journal officiel de la République française, le 19 février 1922.

aucune distinction de nationalité, le texte en question répond bien aux préoccupations qui ont présidé à l'élaboration du protocole susvisé et se borne à préciser les mesures de police intérieure que tout État demeure en droit de prendre dans ses propres territoires africains. Se réfèrent en cela aux dispositions des articles 24 et 26 de l'ordonnance organique du 7 septembre 1840, combinées avec celles du décret du 29 mars 1880 relatif aux associations ou congrégations non autorisées rendu applicable aux colonies par le décret du 3 avril suivant, il reste entièrement dans l'esprit des principes mis jusqu'à ce jour en application dans notre possession.

Il ne soulève, par suite, aucune objection de ma part.

Au cas où vous partageriez sur ce point ma manière de voir, j'ai l'honneur de vous prier de vouloir bien revêtir de votre signature le présent projet.

Veuillez agréer, monsieur le Président, l'hommage de mon profond respect.

Le ministre du Commerce et de  
l'industrie, chargé de l'intérim  
du ministère des colonies,  
LUCIEN DIOR

LE PRÉSIDENT DE LA RÉPUBLIQUE FRANÇAISE,

Sur le rapport du ministre des colonies,

Vu l'ordonnance organique du 7 septembre 1840, en ses articles 24 et 26 ;

Vu le décret du 18 octobre 1904, réorganisant le gouvernement général de l'Afrique occidentale française ;

Vu les articles 291 à 294 du code pénal ;

Vu le décret du 29 mars 1880, relatif aux associations ou congrégations non autorisées, rendu applicable aux colonies par le décret du 3 avril 1880 ;

Vu le décret du 1<sup>er</sup> août 1921, réglementant le séjour et l'établissement des étrangers en Afrique occidentale française.

DÉCRÈTE :

## TITRE I

### RÉGLEMENTATION DE L'ENSEIGNEMENT PRIVÉ

ART. 1.—Nul établissement d'enseignement privé ou d'assistance aux enfants ne sera ouvert hors de l'autorisation administrative.

Tout établissement non autorisé existant avant la promulgation du présent décret devra se pourvoir de l'autorisation réglementaire dans les six mois de sa publication au *Journal officiel* de l'Afrique occidentale française.

ART. 2.—Le fonctionnement des écoles privées et des établissements d'assistance aux enfants est soumis aux conditions suivantes :

1°. Dépôt par le directeur entre les mains de gouverneur de la colonie d'une demande d'autorisation indiquant : la destination et le caractère de l'établissement ainsi que l'importance de sa clientèle, le nombre des maîtres et des classes, le plan des bâtiments affectés à l'usage d'enseignement ou d'habitation pour les élèves.

2°. L'obligation d'appliquer les plans d'études et les programmes de l'enseignement officiel ; de tenir les registres en usage dans les écoles officielles, de fournir un rapport annuel sur la situation matérielle et morale de l'établissement ; de se soumettre à la visite des inspecteurs de l'enseignement, des médecins de l'hygiène et des administrateurs de la circonscription.

ART. 3.—L'enseignement doit être donné exclusivement en langue française, l'emploi des idiomes indigènes est interdit.

ART. 4.—Le personnel enseignant recruté à dater du présent décret sera pourvu, suivant sa qualité, des diplômes exigés, dans les écoles officielles, des maîtres européens ou indigènes.

ART. 5.—Un conseil de surveillance de l'enseignement privé sera institué dans chaque colonie du groupe.

## TITRE II

### ÉTABLISSEMENTS CONFESIONNELS

ART. 6.—Aucune congrégation ou association religieuse, aucune église, chapelle, oratoire, aucun établissement destiné à un culte public ne pourra s'établir sans autorisation administrative.

Aucune réunion cultuelle ne pourra être tenue en dehors des établissements autorisés.

ART. 7.—La langue française ou latine et les idiomes indigènes parlés dans la colonie sont seuls autorisés dans l'exercice du culte.

ART. 8.—Aucune tournée de propagande comportant des appels d'argent aux fidèles ne peut être entreprise que sur autorisation administrative personnelle et dans les parties de la colonie désignées par arrêtés du lieutenant gouverneur.

## SANCTIONS

ART. 9.—Les infractions aux prescriptions du paragraphe 2 de l'article 2 du présent décret seront déférées au conseil de surveillance de l'enseignement privé qui, après enquête, pourra proposer au lieutenant gouverneur l'application de l'une des sanctions suivantes :

- 1°. L'avertissement ;
- 2°. L'interdiction à temps ;
- 3°. La fermeture de l'établissement.

ART. 10.—Seront également fermés par mesure administrative les établissements d'instruction, d'assistance ou confessionnels qui existeront en violation des articles 1<sup>er</sup> et 6.

Les contrevenants, de même que ceux qui enfreindraient les dispositions des articles 3, 4 et 7, seront traduits devant les tribunaux compétents et punis d'une amende de 100 fr. à 500 fr.

En cas de récidive, la peine sera de 200 fr. à 1000 fr. d'amende.

Les infractions à l'article 8 seront punies d'un emprisonnement de six jours à un mois et d'une amende de 500 à 1000 fr., qui sera, en cas de récidive, de 1000 à 3000 fr., indépendamment des sanctions qui pourraient être encourues dans le cas où les actes tomberaient sous le coup de la loi pénale.

La confiscation du produit des quêtes sera obligatoirement prononcée au profit du budget local.

Les dispositions de l'article 463 du code pénal pourront être appliquées aux délits prévus par le présent décret.

ART. 12.—Dans tous les cas, l'expulsion de la colonie pourra être prononcée par l'autorité administrative.

ART. 13.—Des arrêtés du gouverneur général de l'Afrique occidentale française préciseront, s'il y a lieu, les conditions d'application du présent décret.

ART. 14.—Le ministre des colonies est chargé de l'exécution du présent décret, qui sera publié au *Journal officiel* de la République française et au *Bulletin officiel du ministère des colonies*.

Fait à Paris, le 14 février 1922.

A. MILLERAND

Par le Président de la République,

Le ministre du commerce et de l'industrie, chargé de l'intérim  
du ministère des colonies,

LUCIEN DIOR

[Translation]

REPORT TO THE PRESIDENT OF THE FRENCH REPUBLIC

PARIS, February 14, 1922

M. LE PRÉSIDENT,

The protocol of Saint-Germain dated the 10th September 1919, revising the General Act of Berlin of the 26th February 1885 and the General Act and Declaration of Brussels of the 2nd July 1890, instituted a régime of protected liberty in favour of foreign religious missions desirous of preaching the gospel to the populations of African colonies.

The signatory powers pledged themselves by this Act to protect and assist, 'without distinction of nationality or creed, religious, scientific or charitable institutions and enterprises instituted and organized by nationals of the other signatory powers.'

Article 11, *in fine*, of the said convention completes these prescriptions by declaring that 'the application of the provisions of the two preceding paragraphs shall not permit of any restrictions other than those which shall be necessary for the maintenance of security, public order, or which shall result from the constitutional right of each of the powers exercising authority in African territories.'

The draft decree appended, which the Governor-General of French West Africa has submitted to me, has in view the establishment in that colony of a legal régime of control of the exercise of religion and of private instruction given by religious associations, both French and foreign. Making no distinction of nationality between the latter, the text in question satisfactorily meets the points in mind when the above-mentioned protocol was drafted and is limited to defining the measures of internal policy which every State is entitled to take in its own African territories. Referring in this connection to the provisions of articles 24 and 26 of the organic ordinance of the 7th September 1840, and the provisions of the decree of the 29th March 1880 relative to unauthorized associations or assemblies, which was made applicable to the colonies by the decree of the 3rd April 1880, it is entirely in accordance with the spirit of the principles hitherto applied in our possession.

There is therefore no objection on my part.

If you share my views on this point, I have the honour to request that you will be so good as to append your signature to the enclosed draft.

I have, etc.,

LUCIEN DIOR,

Minister of Commerce and Industry, in charge *ad interim* of the Ministry for the Colonies

THE PRESIDENT OF THE FRENCH REPUBLIC,

On the recommendation of the Minister for the Colonies,

In consideration of the organic ordinance of the 7th September 1840, articles 24 and 26 ;

In consideration of the decree of the 18th October 1904, reorganizing the general government of French West Africa ;

In consideration of articles 291 to 294 of the penal code ;

In consideration of the decree of the 29th March 1880, relative to unauthorized associations or assemblies, which was made applicable to the colonies by the decree of the 3rd April 1880 ;

In consideration of the decree of the 1st August 1921, regulating the sojourn and residence of foreigners in French West Africa,

Decrees as follows :

## PART I

### REGULATION OF PRIVATE INSTRUCTION

ART. 1.—No establishment for private instruction or for assistance to children shall be opened without administrative authorization. Any unauthorized establishment existing before the promulgation of the present decree must secure regular authorization within six months of its publication in the *Journal officiel* of French West Africa.

ART. 2.—The functioning of private schools and establishments for assistance to children shall be subject to the following conditions :

1. Deposit by the director with the governor of the colony of a request for authorization indicating the purpose and character of the establishment and the importance of its clientèle, the number of masters and classes, and the plan of the buildings set apart for the purpose of instruction or for residence for the pupils.

2. The obligation of employing the official schemes of study and programmes of instruction ; of keeping the registers employed in official schools ; of furnishing an annual report on the material and moral situation of the establishment ; of submitting to the visit of educational inspectors, medical officers of health and district administrators.

ART. 3.—Instruction must be given exclusively in the French language. The use of native languages is prohibited.

ART. 4.—The teaching personnel recruited after the date of the present decree shall be provided, according to the capacity occupied, with the diplomas required, in official schools, of European or native masters.

ART. 5.—A council for the supervision of private instruction shall be instituted in each colony of the group.



## PART II

## RELIGIOUS ESTABLISHMENTS

ART. 6.—No religious assembly or association, no church, chapel, oratory or any establishment for the purpose of public worship may be established without administrative authorization.

No meeting for the purpose of worship may be held except in authorized establishments.

ART. 7.—Only the French or Latin language or the native languages spoken in the colony shall be authorized for the exercise of worship.

ART. 8.—Any propaganda tour involving appeals for money to the worshippers may only be undertaken on personal administrative authorization, and only in those parts of the colony indicated by orders of the Lieutenant-Governor.

## PENALTIES

ART. 9.—Infractions of the provisions of paragraph 2 of article 2 of the present decree shall be referred to the council for the supervision of private instruction, who, after inquiry, may propose to the Lieutenant-Governor the application of one of the following penalties :

1. Caution ;
2. Prohibition for a certain period ;
3. The closing of the establishment.

ART. 10.—Any establishment of instruction, assistance or religion which shall exist in violation of articles 1 and 6 shall likewise be closed by administrative measures.

Persons who shall contravene the said articles and persons who shall infringe the provisions of articles 3, 4 and 7 shall be brought before the competent tribunals and punished by a fine of from 100 fr. to 500 fr.

For a second offence, the punishment shall be a fine of from 200 fr. to 1000 fr.

Infractions of article 8 shall be punished by imprisonment for from six days to one month and a fine of from 500 fr. to 1000 fr., which fine, in the event of a second offence, shall be from 1000 to 3000 fr., independently of the penalties which might be incurred should the offences fall within the sphere of penal law.

Forfeiture of the proceeds of collections must be placed to the credit of the local budget.

The provisions of article 463 of the penal code may be applied to offences under the present decree.

ART. 12.—In all cases, expulsion from the colony may be ordered by the administrative authority.

ART. 13.—Orders of the Governor-General of French West Africa shall, if the necessity arises, specify the conditions of application of the present decree.

ART. 14.—The Minister for the Colonies shall be charged with the execution of the present decree, which shall be published in the *Journal officiel* of the French Republic and in the *Bulletin officiel* of the Ministry for the Colonies.

Done at Paris, the 14th February 1922.

A. MILLERAND

By the President of the Republic :

The Minister of Commerce and Industry, in charge  
*ad interim* of the Ministry for the Colonies,

LUCIEN DIOR

[An Annex to the Decree contains regulations relating to private schools.]

### (D) TOGOLAND

FRENCH MANDATE (CLASS B) APPROVED BY THE  
COUNCIL OF THE LEAGUE OF NATIONS, JULY 20,  
1922<sup>1</sup>

#### ARTICLE 7

The Mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; missionaries who are nationals of States Members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings, and to open schools throughout the territory; it being understood, however, that the Mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

### (E) CAMEROONS

FRENCH MANDATE (CLASS B) APPROVED BY THE  
COUNCIL OF THE LEAGUE OF NATIONS, JULY 20,  
1922<sup>2</sup>

#### ARTICLE 7

(The text of this Article is the same as Article 7 in Togoland.)

<sup>1</sup> League of Nations publication C. 449 (1) d.M. 345 (d), 1922 vi.

<sup>2</sup> *Ibid.* C. 449 (1) e. M. 345 (e), 1922 vi.

**(F) SYRIA AND THE LEBANON**

**FRENCH MANDATE (CLASS A) APPROVED BY THE  
COUNCIL OF THE LEAGUE OF NATIONS, JULY 24, 1922<sup>1</sup>**

**ARTICLE 8**

The Mandatory shall ensure to all complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality. No discrimination of any kind shall be made between the inhabitants of Syria and the Lebanon on the ground of differences in race, religion or language.

The Mandatory shall encourage public instruction, which shall be given through the medium of the native languages in use in the territory of Syria and the Lebanon.

The right of each community to maintain its own schools for the instruction and education of its own members in its own language, while conforming to such educational requirements of a general nature as the administration may impose, shall not be denied or impaired.

**ARTICLE 9**

The Mandatory shall refrain from all interference in the administration of the Councils of management (Conseils de fabrique) or in the management of religious communities and sacred shrines belonging to the various religions, the immunity of which has been expressly guaranteed.

**ARTICLE 10**

The supervision exercised by the Mandatory over the religious missions in Syria and the Lebanon shall be limited to the maintenance of public order and good government ; the activities of these religious missions shall in no way be restricted, nor shall their members be subjected to any restrictive measures on the ground of nationality, provided that their activities are confined to the domain of religion.

The religious missions may also concern themselves with education and relief, subject to the general right of regulation and control by the Mandatory or of the local government, in regard to education, public instruction and charitable relief.

<sup>1</sup> League of Nations publication C. 528, M. 313, 1922 vi.

## IV. BELGIAN COLONIES AND MANDATED TERRITORIES

### (A) CONGO BELGE

#### CHARTRE COLONIALE<sup>1</sup>

LOI SUR LE GOUVERNEMENT DU CONGO BELGE, 18 OCTOBRE 1908

#### CHAPITRE II

2. Tous les habitants de la colonie jouissent des droits reconnus par les articles 7, alinéas 1<sup>er</sup> et 2, 8 à 15, 16, alinéa 1<sup>er</sup>, 17, alinéa 1<sup>er</sup>, 21, 22 et 24 de la Constitution belge . . .†

3. L'emploi des langues est facultatif . . .

5. Le gouverneur-général veille à la conservation des populations indigènes et à l'amélioration de leurs conditions morales et matérielles d'existence. Il favorise l'expansion de la liberté individuelle, l'abandon progressif de la polygamie et le développement de la

† The articles which affect Christian missions are the following :

ART. 14.—La liberté des cultes, celle de leur exercice public, ainsi que la liberté de manifester ses opinions en toute matière, sont garanties, sauf la répression des délits commis à l'occasion de l'usage de ces libertés.

ART. 15.—Nul ne peut être contraint de concourir d'une manière quelconque aux actes et aux cérémonies d'un culte, ni d'en observer les jours de repos.

ART. 16. AL. 1<sup>er</sup>.—L'État n'a le droit d'intervenir ni dans la nomination, ni dans l'installation des ministres d'un culte quelconque, ni de défendre à ceux-ci de correspondre avec leurs supérieurs et de publier leurs actes, sauf, en ce dernier cas, la responsabilité en matière de presse et de publication.

ART. 17. AL. 1<sup>er</sup>.—L'enseignement est libre ; toute mesure préventive est interdite ; la répression des délits n'est réglée que par la loi.

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<sup>1</sup> Code et Lois du Congo Belge. M. Weissenbruch, Imprimeur du Roi, 49 Rue du Poinçon, Bruxelles, 1914.

propriété. Il protège et favorise, sans distinction de nationalités ni de cultes, toutes les institutions et entreprises religieuses, scientifiques ou charitables, créées et organisées à ces fins ou tendant à instruire les indigènes et à leur faire comprendre et apprécier les avantages de la civilisation.

Les missionnaires chrétiens, les savants, les explorateurs, leurs escortes, avoir et collections sont l'objet d'une protection spéciale.

6. Il est institué une commission permanente de sept membres chargée de veiller sur tout le territoire de la Colonie à la protection des indigènes et à l'amélioration de leurs conditions morales et matérielles d'existence.

Le Roi fixe le nombre des membres de la commission ; il en arrête le règlement organique.

La commission est présidée par le procureur général près le tribunal d'appel de la Colonie. Les autres membres sont nommés par le Roi parmi les personnes résidant sur le territoire de la Colonie qui, par la nature de leurs fonctions ou occupations, paraissent spécialement qualifiées pour accomplir cette mission protectrice. La commission nomme son secrétaire dans son sein. Elle se réunit au moins une fois chaque année : son président la convoque.

Le Roi peut diviser la commission en sous-commissions, dont il arrête le règlement organique.

Tous les ans, la commission adresse au Roi un rapport collectif sur les mesures à prendre en faveur des indigènes. Ce rapport est publié.

Les membres de la commission dénoncent, même individuellement, aux officiers du ministère public, les abus et les illégalités dont seraient victimes les indigènes.

[*Translation*]

## BELGIAN CONGO

### COLONIAL CHARTER

LAW RESPECTING THE GOVERNMENT OF THE BELGIAN CONGO  
OCTOBER 18, 1908

#### CHAPTER II

2. All inhabitants of the Colony shall enjoy the rights recognized by article 7, paragraphs 1 and 2, articles 8 to 15, article 16, paragraph 1,

article 17, paragraph 1, and articles 21, 22 and 24 of the Belgian Constitution.<sup>1</sup> . . .

3. The language to be used shall be optional. . . .

5. The Governor-General shall supervise the protection of the native populations and the amelioration of their moral and material conditions of existence. He shall encourage the expansion of individual liberty, the progressive abandonment of polygamy and the development of property. He shall protect and encourage, without distinction of nationality or creed, all religious, scientific or charitable institutions and undertakings founded and organized for these purposes or tending to instruct the natives and to make them understand and appreciate the advantages of civilization.

Christian missionaries, scholars and explorers, their escorts, property and collections, shall be the object of special protection.

6. A permanent commission of seven members shall be instituted, charged with supervising the protection of the natives and the amelioration of their moral and material conditions of existence in the whole of the territory of the Colony.

The King shall fix the number of the members of the commission and shall determine the organic regulation thereof.

The commission shall be under the presidency of the procurator-general of the appeal tribunal of the Colony. The other members shall be nominated by the King from amongst persons residing in the territory of the Colony who, from the nature of their duties or occupations, shall appear specially qualified to accomplish this protective mission. The commission shall nominate its secretary from amongst its members. It shall meet at least once every year. It shall be convoked by its president.

<sup>1</sup> The articles which affect Christian missions are the following :

ART. 14.—Liberty of worship and of the public exercise thereof, and freedom of expression of opinion in all matters shall be guaranteed except for the repression of offences committed on the occasion of the exercise of such liberty.

ART. 15.—No one may be compelled to join in any manner whatsoever in the acts and ceremonies of a faith nor to observe the days of rest thereof.

ART. 16, Paragraph 1.—The State shall not have the right to intervene in the nomination nor the installation of the ministers of any religion whatsoever nor to prohibit the latter from corresponding with their superiors nor from publishing their documents, except, in the case of the latter, for their responsibility in connection with the press and publication.

ART. 17, Paragraph 1.—Instruction shall be free ; any preventive measure shall be prohibited ; the repression of offences shall be regulated only by law.

The King may divide the commission into sub-commissions, the organic regulation of which he shall determine.

Every year the commission shall address to the King a collective report on the measures to be taken on behalf of the natives. This report shall be published.

Members of the commission, individually if necessary, shall inform the officers of the public administration of abuses and illegalities of which natives shall have been the victims.

## DÉCRET DU ROI-SOUVERAIN, 28 DECEMBRE 1888<sup>1</sup>

### ASSOCIATIONS SCIENTIFIQUES, RELIGIEUSES, PHILANTHROPIQUES, ETC., PERSONNALITÉ CIVILE

1. Les institutions religieuses, scientifiques ou philanthropiques créées par le gouvernement sont administrées et représentées, et leur capacité civile est réglée de la manière indiquée par le décret qui les établit.

2. Les associations privées qui ont pour but de s'occuper d'œuvres religieuses, scientifiques ou philanthropiques peuvent, par décret spécial, recevoir la personnalité civile dans les limites et aux conditions déterminées aux articles 3, 4, 5 et 6 ci-après.

3. La personnalité civile doit être demandée par requête adressée au gouverneur-général.

Le requête énoncera :

- (1) L'objet spécial en vue duquel l'association est constituée ;
- (2) La dénomination qu'elle portera ;
- (3) Le siège de l'association, lequel ne pourra être qu'une localité située sur le territoire de l'Etat Indépendant du Congo.

Indépendamment de toutes autres pièces et justifications que le gouvernement général pourra réclamer, la requête devra être accompagnée :

(a) D'une liste complète des membres effectifs, dressée conformément à l'article 4 ci-après :

(b) D'une déclaration indiquant, conformément à l'article 5, le ou les membres effectifs qui seront les représentants légaux de l'association.

La requête et ses annexes devront être signées par la majorité au moins des membres effectifs.

<sup>1</sup> Code et Lois du Congo Belge. M. Weissenbruch, Imprimeur du Roi, 49 Rue du Poinçon, Bruxelles, 1914.

4. Les associations qui sollicitent et celles qui ont obtenu la personnalité civile sont tenues de produire, chaque fois qu'elles en sont requises par le gouverneur-général, une liste donnant les noms, prénoms, profession, nationalité et résidence de tous leurs membres effectifs.

Sont seuls réputés membres effectifs dans le sens du présent décret les membres de l'association résidant dans l'État Indépendant du Congo, et ils ne sont réputés tels que pendant le temps qu'ils y résident.

La liste des membres effectifs doit être signée, si le gouverneur-général l'exige, par la majorité au moins de ses membres.

5. Les associations reconnues comme personnes civiles agissent par l'organe d'un ou de plusieurs membres effectifs, chargés, comme représentants légaux de ces associations, d'administrer et de gérer leurs affaires.

Le mandat dont le ou les représentants légaux d'une association sont investis, est officiellement constaté par une déclaration remise au gouverneur-général et portant la signature de la majorité au moins des membres effectifs. Cette déclaration doit être renouvelée chaque fois qu'un changement survient dans la représentation légale de l'association.

Si le mandat donné aux représentants légaux d'une association est limité à un temps déterminé, il en sera fait mention dans la déclaration.

La déclaration peut indiquer un ou plusieurs membres effectifs chargés de remplacer temporairement, comme suppléants, le ou les représentants légaux en cas d'absence, de décès ou de cessation du mandat de ces derniers.

Les représentants légaux et leurs suppléants doivent, pour pouvoir agir légalement, être agréés par Nous.

Ils pourront toutefois être agréés provisoirement par le gouverneur-général, et notre agrément sera réputée acquise si aucune décision contraire n'est intervenue dans les six mois qui suivront le dépôt de la déclaration visée au deuxième alinéa du présent article.

6. Lorsque, par suite de décès, d'absence, de refus d'agrément ou de non accomplissement des formalités exigés par l'article 5, une association cessera d'avoir un représentant légal au Congo, le gouverneur-général pourra commettre une ou plusieurs personnes pour la représenter et administrer provisoirement ses affaires.



Si cette administration provisoire dure plus de deux ans sans qu'un représentant légal ait été désigné conformément à l'article 5, le dissolution de l'association pourra être prononcée par décret, et le gouvernement disposera de l'avoir social selon qu'il le jugera convenable en l'affectant à une destination se rapportant autant que possible au but pour lequel l'association avait été fondée.

7. Toute institution ou association légale peut ester en justice, contracter et transiger.

Elle peut acquérir à titre onéreux ou gratuit, aliéner et échanger toutes espèces de biens meubles, sauf les restrictions apportées à ce droit par décret.

8. Elle peut acquérir à titre onéreux ou gratuit, aliéner, échanger et rendre en location des immeubles, mais seulement dans la mesure que le gouverneur-général jugera nécessaire ou utile pour réaliser le but de l'association, et sans que, dans aucun cas, elle puisse détenir dans l'État, même en location, plus de 50 hectares de terres dans une même localité, à moins d'une autorisation spéciale donnée par décret.

9. Le bénéfice de la personnalité civile pourra être retiré après enquête, par décret, à toute institution ou association qui cesserait de s'occuper exclusivement de l'objet en vue duquel elle a été fondée ou reconnue, qui porterait atteinte à l'ordre public, ou qui ne fournirait pas avec exactitude et sincérité la liste de ses membres effectifs lorsque cette liste sera réclamée en vertu de l'article 5.

Le retrait de la personnalité civile étant prononcée, le gouvernement disposera de l'avoir social de la manière indiquée au 2<sup>m</sup>e alinéa de l'article 6.

[*Translation*]

DECREE OF THE KING OF THE BELGIANS  
DECEMBER 28, 1888

SCIENTIFIC, RELIGIOUS, PHILANTHROPIC, ETC., ASSOCIATIONS ; CIVIL  
RECOGNITION

1. Religious, scientific or philanthropic institutions created by the Government shall be administered and represented, and their civil capacity shall be regulated, in the manner indicated in the decree establishing them.

2. Private associations for the purpose of religious, scientific or philanthropic work may, by special decree, receive civil recognition within the

limits and under the conditions prescribed in articles 3, 4, 5 and 6 of the present decree.

3. Civil recognition must be requested by an application addressed to the Governor-General.

The application shall state :

- (1) The special purpose for which the association is constituted ;
- (2) What name it will bear ;
- (3) The headquarters of the association, which must be domiciled in the territory of the Independent Congo State.

Apart from any other documents or evidence which the Governor-General may demand, the application must be accompanied by :

(a) A complete list of the active members, drawn up in conformity with article 4 of the present decree ;

(b) A statement showing, in conformity with article 5, the active member or members who will be the legal representatives of the association.

The application and the documents annexed thereto must be signed by at least the majority of the active members.

4. Associations applying for, and those associations which have secured, civil recognition, must, whenever the Governor-General shall so require, produce a list giving the surnames, Christian names, profession, nationality and place of residence of all their active members.

Only such members of the association as reside in the Independent Congo State shall be considered active members in the sense of the present decree, and they shall be considered as such only so long as they shall reside therein.

The list of active members must be signed, should the Governor-General so require, by at least the majority of the members.

5. Associations which shall have received civil recognition shall operate through the medium of one or more active members, charged, as legal representatives of such associations, with administering and conducting their affairs.

The mandate with which the legal representative or representatives of an association are invested shall be officially established by means of a declaration transmitted to the Governor-General bearing the signature of at least the majority of the active members. This declaration must be renewed whensoever there shall be a change in the legal representation of the association.

If the mandate given to the legal representatives of an association is limited to a fixed period, this shall be stated in the declaration.

The declaration may nominate one or more active members to replace temporarily, as substitutes, the legal representative or representatives in case of absence, death or suspension of the mandate of the latter.

The legal representatives and their substitutes must, in order to function in a legal manner, be approved by Us.

They may, however, be provisionally approved by the Governor-General, and Our approval shall be considered as having been granted if no decision to the contrary shall have been given within the six months following the deposit of the declaration mentioned in the second paragraph of the present article.

6. When, in consequence of death, absence, refusal of approval or non-fulfilment of the formalities required by article 5, an association shall cease to have a legal representative in the Congo, the Governor-General may appoint one or more persons to represent the association and to administer its affairs provisionally.

Should this provisional administration last more than two years without a legal representative having been appointed in conformity with article 5, the dissolution of the association may be pronounced by decree, and the Government shall dispose of the property of the association according as it may deem proper, devoting it to a purpose approximating as nearly as possible to the object for which the association had been founded.

7. Any lawful institution or association may have recourse to law, enter into contracts and agree to arrangements for the settlement of disputes.

It may acquire, by payment or gratuitously, and may sell or exchange all kinds of movable goods, subject to the restrictions imposed on this right by decree.

8. It may acquire, by payment or gratuitously, and may sell, exchange or lease landed property, but only to such extent as may be considered by the Governor-General to be necessary or expedient for the realization of the object of the association, and with the exception that in no case whatsoever may it retain in the State, even on lease, more than 50 hectares of land in any one locality, without special authorization conferred by decree.

9. The privilege of civil recognition may be withdrawn by decree, after investigation, from any institution or association which may have ceased to apply itself exclusively to the purpose for which it was founded or recognized, or which may have acted to the detriment of public order, or which may not correctly and frankly have furnished the list of its active members when such list shall have been demanded by virtue of article 5.

When civil recognition shall have been withdrawn the Government shall dispose of the property of the association in the manner prescribed in the second paragraph of article 6.

CODE PENAL<sup>1</sup>

ARRÊTÉ DU SECRÉTAIRE D'ÉTAT, 19 DECEMBRE 1896

## LIVRE SECOND

## SECTION XXVI. DES ATTEINTES A LA LIBERTÉ DES CULTES

76. Seront punies d'une servitude pénale de huit jours à deux ans et d'une amende de vingt-cinq à cinq cents francs, ou d'une de ces peines seulement, toutes personnes qui, par des violences, outrages ou menaces, par des troubles ou des désordres, auront porté atteinte à la liberté des cultes ou à leur libre exercice public, et à la liberté de conscience garantie par l'Acte général de la Conférence de Berlin.

[Translation]

## PENAL CODE

ORDER OF THE SECRETARY OF STATE

DECEMBER 19, 1896

## SECOND BOOK

## SECTION XXVI. OFFENCES AGAINST RELIGIOUS FREEDOM

76. Any person who, by violence, outrage, threat, disturbance or disorder, shall have offended against the freedom of religion or against the free public exercise thereof, and against the freedom of conscience guaranteed by the General Act of the Conference of Berlin, shall be punished by penal servitude for from eight days to two years and a fine of from twenty-five to five hundred francs, or by only one of these two penalties.

IMPÔTS<sup>1</sup>

DÉCRET DU ROI-SOUVERAIN. 9 AVRIL 1892.—2. Sont exempts des droits d'entrée : . . .

(3) Les instruments de science et de précision, ainsi que les objets servant au culte ; . . .

<sup>1</sup> Code et Lois du Congo Belge. M. Weissenbruch, Imprimeur du Roi, 49 Rue du Poignon, Bruxelles, 1914.

DÉCRET DU ROI-SOUVERAIN. 28 MAI 1902.—1. Le taux des impositions directes et personnelles est réduit de 50 p.c. en faveur des institutions et entreprises religieuses, scientifiques et charitables.

DÉCRET. 17 MARS 1910.—5. Ne sont pas soumis à la contribution personnelle sur la première base (Bâtiments) . . .

(5) Les édifices du culte ; les hôpitaux, les hospices, les écoles, les établissements religieux et scientifiques, à l'exception des bâtiments et dépendances servant à l'habitation du personnel non indigène.

ARRÊTÉ DU MINISTRE DES COLONIES. 1<sup>er</sup> DÉCEMBRE 1913.—Transports par les bateaux de la Colonie sur le réseau fluvial du Haut-Congo : Règlement et tarifs.

24. Les associations philanthropiques et religieuses jouissent d'une réduction de 30 p.c. sur tous les tarifs précédents, sauf pour les marchandises à la descente, pour lesquelles les dispositions générales leur sont appliquées.

ORDONNANCE DU VICE-GOUVERNEUR-GÉNÉRAL DU KATANGA. 1<sup>er</sup> MAI 1912.—Transports par les vapeurs de la Colonie sur les lacs Tanganyika et Moëro.—Règlement.—Tarifs.

23. Les associations philanthropiques et religieuses jouissent d'une réduction de 30 p.c. sur tous les tarifs précédents, sauf pour le caoutchouc et l'ivoire.

[*Translation*]

TAXATION

ROYAL DECREE, APRIL 9, 1892

2. The following articles shall be exempt from customs duties : . . .

(3) Scientific and mathematical instruments and articles for religious purposes ; . . .

ROYAL DECREE, MAY 28, 1902

1. The assessment of direct and personal taxes shall be reduced by 50 per cent. in favour of religious, scientific and charitable institutions and undertakings.

DECREE, MARCH 17, 1910

5. The following shall not be subject to personal contribution under the first heading (buildings) . . .

(5) Places of worship ; hospitals, hospices, schools and religious and scientific establishments, except buildings and annexes for the residence of the non-native personnel.

ORDER OF THE MINISTER FOR THE COLONIES  
DECEMBER 1, 1913

Transport by vessels belonging to the Colony on the river system of the Upper Congo :—Regulation and tariffs.

24. Philanthropic and religious associations shall enjoy a reduction of 30 per cent. on all the afore-mentioned tariffs, except in so far as concerns goods going down-river, in regard to which the general provisions shall be applicable.

ORDINANCE OF THE VICE-GOVERNOR-GENERAL OF THE KATANGA  
MAY 1, 1912

Transport by steamers belonging to the Colony on Lakes Tanganyika and Moëro.—Regulation.—Tariffs.

23. Philanthropic and religious associations shall enjoy a reduction of 30 per cent. on all the afore-mentioned tariffs, except in so far as concerns rubber and ivory.

[The whole of Belgian Congo falls within the area covered by the Convention Revising the General Act of Berlin (see pp. 7-9).]

(B) EAST AFRICA

BELGIAN MANDATE (CLASS B), APPROVED BY THE  
COUNCIL OF THE LEAGUE OF NATIONS, JULY 20, 1922 <sup>1</sup>

ARTICLE 8

The Mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality ; missionaries who are nationals of States Members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the territory ; it being understood, however, that the Mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

<sup>1</sup> League of Nations publication C. 449 (1) f. M. 345 (f), 1922 vi.

## V. PORTUGUESE TERRITORIES

### TREATY BETWEEN GREAT BRITAIN AND PORTUGAL, JUNE 11, 1891<sup>1</sup>

#### ARTICLE 10

In all territories in East and Central Africa belonging to or under the influence of either Power, missionaries of both countries shall have full protection. Religious toleration and freedom for all forms of divine worship and religious teaching are guaranteed.

### MINISTÉRIO DAS COLÓNIAS. DIRECÇÃO GERAL DAS COLÓNIAS<sup>2</sup>

#### 2º REPARTIÇÃO

DECRETO No. 233, NOVEMBRO 22, 1913

. . . Por isso, usando da autorização, concedida pelos artigos 87º da Constituição Política da República e 190º do decreto, com fôrça de lei de 20 de abril de 1911: hei por bem, sôbre proposta do Ministro das Colónias, e ouvido o Conselho de Ministros, decretar o seguinte:

ARTIGO 1º.—A República Portuguesa reconhece e garante a plena liberdade de crenças a todos os cidadãos e súbditos das suas colónias, incluídos os estrangeiros que nelas residam ou transitem.

ARTIGO 2º.—Salvo o disposto nas leis mantidas em vigor pelo nº 12º do artigo 3º da Constituição Política da República Portuguesa, o livre e público exercício de todos os cultos, o direito de erigir edificios religiosos e organizar missões que pertençam a êsses cultos, são garantidos sem distinção alguma e só sujeitos às restrições que forem absolutamente imprescindíveis no interesse da ordem pública e da liberdade ou segurança dos cidadãos ou das populações indígenas.

<sup>1</sup> H.M. Stationery Office, London, C. 6375 (out of print); also British and Foreign State Papers, vol. 83.

<sup>2</sup> Diário do Govêrno, No. 274, Novembro 1913.

[Translation]

MINISTRY OF THE COLONIES. GENERAL DIRECTORSHIP  
OF THE COLONIES

## 2ND SECTION

DECREE No. 233, NOVEMBER 22, 1913

... Because of this, using the authorization conceded by Articles No. 87 of the Political Constitution of the Republic and No. 190 of the decree, with the force of the law of the 20th of April 1911, I think well, on the proposal of the Minister of Colonies and having heard the Counsel of Ministers, to decree the following :

ART. 1.—The Portuguese Republic recognizes and guarantees full liberty of belief to all the citizens and subjects of its colonies, including the foreigners who reside in or pass through them.

ART. 2.—Except that set forth in the laws already in force by No. 12 of Article No. 3 of the Political Constitution of the Portuguese Republic,<sup>1</sup> the free and public exercise of all forms of worship, the right to erect religious edifices and organize missions which belong to these forms of worship, are guaranteed without any distinction whatever and only subject to the restrictions which may be absolutely necessary in the interests of public order or the security of the citizens or of the native populations.

## (A) ANGOLA

ALTO COMISSARIADO DA REPUBLICA<sup>2</sup>

## DECRETO No. 77

Considerando que, estando pela Constituição Política da Republica Portuguesa garantida a liberdade de todos os cultos, cumpre todavia ao Governo da Provincia, como direito de soberania, regulamentar e fiscalizar a acção das missões de propaganda religiosa, de forma a velar pela segurança e ordem publica e a garantir a manutenção dos preceitos do direito constitucional portugueses :

Incumbindo ao Governo Geral promover o melhoramento das condições materiais da vida dos indigenas, o aperfeiçoamento das

<sup>1</sup> The exception referred to is that the legislation dissolving in Portugal the Jesuit Order and the Societies affiliated with it is maintained in force.

<sup>2</sup> Official Bulletin of the Province of Angola, December 17, 1921. First Series, No. 50.



suas aptidões e faculdades naturaes e, duma maneira geral, a sua instrução e progresso.

Tendo ouvido o Conselho Executivo : e,

Usando das faculdades que me são conferidas pelas leis nos. 1:005 e 1:022, respectivamente, de 7 e 20 de agosto de 1920 :

Hei por bem decretar o seguinte :

ARTIGO 1.—Nenhuma missão de ensino e propaganda religiosa poderá estabelecer-se na provincia de Angola sem previa licença do Governador Geral, requerida com indicação do local onde pretende instalar-se e obrigandos-se :

1. A provar que os seus membros são ministros da religião que professam ou auxiliares da missão ;

2. A submeter a aprovação do Governador Geral o programa civilizador que se propõe executar ;

3. A ensinar a lingua portuguesa ;

4. A não ensinar qualquer lingua estrangeira ;

5. A ministrar aos indigenas o ensino profissional ou agricola em harmonia com a legislação em vigor na Provincia ;

6. A auxiliar a assistencia indigena sob o ponto de vista da higiene e tratamento de doenças ;

7. A não execer, directa ou indirectamente, o commercio, não se entendendo como tal a venda ou disposição dos productos do trabalho da missão ;

8. Enviar anualmente ao Governador do dirtricto um relatorio sobre movimento das escolas e oficinas e das enfermarias da missão, quando as houver, trabalhos realizados e seus resultados e beneficios colhidos da acção da missão.

ARTIGO 2.—Não é permitido ensinar nas escolas das missões linguas indigenas.

ARTIGO 3.—O uso das linguas indigenas só é permitido em linguagem falada na cataquese e, como auxiliar no periodo do ensino elementar da lingua portuguesa.

1. É vedado na cataquese das missões, nas suas escolas e em quaesquer relações com os indigenas, o emprego das linguas indigenas por escrito ou de outra lingua que não seja a portuguesa, por meio de folhetos, jornais, folhas avulsas e quaisquer manuscritos.

2. Os livros de ensino religioso não são permitidos noutra lingua que não seja a portuguesa, podendo ser acompanhado o texto portugues de um versão paralela em lingua indigena.

3. O emprego da linguagem falada a que se refere o corpo deste

artigo e o da versão em lingua indigena, nos termos do paragrafo antecedente, só são permitidos transitoriamente e enquanto se não generalize entre os indigenas o conhecimento da lingua portugueza comprindo aós missionarios substituir successivamente e o mais possivel em todas as suas relações com os indigenas e na catequese as linguas indigenas pela lingua portugueza.

ARTIGO 4.—As disposições dos dois artigos antecedentes não impedem os trabalhos linguisticos ou quaesquer outros de investigação scientifica reservando-se, porem, o governo o direito de proibir a sua circulação quando, mediante inquerito administrativo, se reconhecer que ela pode prejudicar a ordem publica e a liberdade ou segurança dos cidadãos e das populações indigenas.

ARTIGO 5.—As missões não poderão constituir sucursais ou escolas entregues a nativos ou encarregar nativos da obra da catequese de propaganda religiosa sem que estes nativos e estejam munidos do competente bilhete de identidade passado pelo respectivo administrador ou capitão mor e tenham sido apresentados pelo superior da missão.

1. Quando se tratar de sucursais com escola não poderá ser passado o bilhete de identidade sem que o professor nativo saiba falar portuguez.

2. O bilhete poderá ser retirado quando haja infracção ao disposto nos artigos 2 e 3 ou quando o administrador ou capitão mor reconheça que a acção do professor ou do encarregado da catequese é inconvenient á segurança e ordem publica, devendo ser previamente ouvido o superior da missão interessada.

3. Da recusa do bilhete de identidade ou da sua cassação ha recurso ao governador do districto que resolve em ultima instancia.

ARTIGO 6.—As missões religiosas serão dadas as seguintes vantagens :

(a) Uma concessão gratuita ate 500 hectares de terreno, ficandoas missões estrangeiras sujeitas ao que sobre estrangeiros dispõe o regulamento das concessões de terrenos do Estado na Provincia de Angola.

(b) Corte gratuito de madeiras nas matas do estado para edificações e quaesquer construções, incluindo mobiliario, para uso exclusivo das missões e suas dependencias.

(c) Um subsidio anual de 3:000\$00 a cada missão que tenha em serviço permanente um professor europeu, missionario ou não, que possua as condições e habilitações necessarias para bem ensinar a lingua portugueza.

(d) Um subsidio anual de 360 \$00 para cada escola rural permanentemente regida por um professor nativo com as habilitações que foram exigidas para os professores nativos a que se refere o decreto no. 15 do Alto Comissariado de 19 de maio de 1921.

ARTIGO 7.—Aos missionarios estrangeiros applica-se o disposto na Carta Organica da Provincia relativamente a estrangeiros.

Unico, Os bilhetes de residencia e a sua renovação são isentos do imposto de selo e qualquer taxa ou emolumentos.

ARTIGO 8.—Qualquer missão religiosa será extinta pelo Governador Geral em conselho Executivo, quando :

(1) Na sua constituição e serviços deixe de manter o estabelecido neste decreto ;

(2) Se torne incompativel com as populações indigenas da região onde se tiver instalado ;

(3) A sua presença e funcionamento sejam inteiramente destituídos de acção civilizadora ;

(4) A sua permanencia se torne nociva aos interesses da Sobernia Nacional e a ordem e segurança publica.

Unico, A extinção duma missão será sempre precedida de inquerito administrativo, com audiencia dos missionarios e mais pessoal da missão.

ARTIGO 9.—As missões religiosas que estiverem ou vierem a estar ao abrigo do decreto no. 6:322, de 2 de janeiro de 1920, terão as obrigações e vantagens por esse decreto estabelecidas e ficarão sujeitas não só ás suas disposições como ás deste decreto.

ARTIGO 10.—As missões religiosas darão cabal comprimento ao disposto no presente decreto até 31 de dezembro de 1922.

ARTIGO 11.—Os serviços que respeitem a missões religiosas são considerados como provinciais, competindo a secretaria de Colonização e Negocios Indigenas, aos Governadores de districto e aos administradores de Circumscrição, e capitães mores a fiscalização do disposto no presente decreto e a organazação do registo das missões religiosas.

ARTIGO 12.—Fica revogada a legislação em contrario.

Determino, portanto, que todas as autoridades a quem o conhecimento e execução deste decreto pertencer o cumpram a façam cumprir tão inteiramente como nele se contem.

Alto Comisarriado da Republica em Loanda, 9 de dezembro de 1921.

O alto Comissario,

JOSÉ MENDES RIBEIRO NORTON DE MATTOS

[*Translation*]

## HIGH COMMISSIONERSHIP OF THE REPUBLIC

### DECREE No. 77

Considering that the Portuguese political Constitution guarantees liberty to all forms of worship, it however behoves the Government of the Province, as a right of sovereignty, to regulate and oversee the action of missions of religious propaganda, so as to ensure security and public order, and to guarantee the maintenance of the precepts of the Portuguese constitutional law ;

Being, as it is incumbent on the Government to promote the betterment of the material conditions of the life of the Natives, the perfecting of their aptitudes and natural faculties, and in a general way, their instruction and progress ;

Having heard the Executive Council, and using the faculties which are granted to me by the laws Nos. 1005 and 1022, respectively of the 7th and 20th of August 1920 ;

I deem it good to decree the following :

ART. 1.—No mission for teaching and of religious propaganda may be established in the Province of Angola without previous permission of the Governor-General, the request for such to be accompanied by an indication of the locality where it is proposed to found same, the (mission) being required :

(1) To prove that the members are ministers of the religion they profess or auxiliaries of the mission ;

(2) To submit for the approval of the Governor-General the civilizing programme it proposes to execute ;

(3) To teach the Portuguese language ;

(4) Not to teach any foreign language ;

(5) To instruct the Natives in manual training or in agriculture in harmony with the legislation in being in the Province ;

(6) To co-operate in the relief of the Natives from the point of view of hygiene and treatment of diseases ;

(7) Not to take part in commerce either directly or indirectly, it being understood that this does not affect the sale or disposal of the products of the work of the mission ;

(8) To send annually to the Governor of the district a report of the activities of the schools, workshops, hospitals of the mission, where there are such, works accomplished and their results and the benefits reaped from the action of the mission.

ART. 2.—It is not permitted to teach native languages in mission schools:

ART. 3.—The use of the native language is only allowed orally in religious instruction (catequese), and as a help during the elementary period of teaching the Portuguese language.

(1) The use of the native languages in written form or of any other language besides the Portuguese, by means of pamphlets, papers, leaflets or whatever kind of manuscripts, is forbidden in the religious teaching (catequese) of the missions, in their schools or in whatever relations with the Natives.

(2) Books for religious teaching are not permitted in any language other than Portuguese, the Portuguese text however may be accompanied by a parallel version in the native language.

(3) The oral employment of the language referred to in this article and also the use of the version in the native language in the terms of the preceding paragraph, are only allowed transitorily and whilst the knowledge of the Portuguese language is not general among the Natives; it being expected that the missionaries will substitute successively and as much as possible in all their relations with the Natives, as also in formal instructions, the native languages by the Portuguese language.

ART. 4.—The terms of the two preceding articles do not impede linguistic studies or any other work of scientific investigation, the Government however reserving the right to forbid their circulation when, by means of an administrative inquiry, it is recognized it may be prejudicial to public order and the liberty or the security of the citizens and of the native populations.

ART. 5.—Missions are not allowed to establish branches or schools to be in the charge of Natives, or to entrust Natives with the work of religious propaganda without such Natives being in possession of a recognized identification card (*bilhete de identidade*) granted by the respective administrator or military officer when they shall have been presented by the principal of the mission.

(1) Whenever an out-station with a school is under consideration the 'Bilhete de identidade' cannot be given unless the native teacher is able to speak the Portuguese language.

(2) The 'Bilhete de identidade' may be withdrawn whenever there is an infraction of the terms of Arts. 2 and 3 or when the Administrator or military officer recognizes that the action of the professor, or of the person entrusted with the religious teaching is inimical to public security and order, but in such a case the principal of the mission and the person involved must first be heard.

(3) In case a 'Bilhete de identidade' is refused or if it is withdrawn, recourse may be had to the Governor of the district, who will give the final decision.

ART. 6.—To religious missions the following advantages will be granted :

(a) A free concession up to 500 hectares of land, the foreign missions being subject to the terms of the law of concessions of state lands in the Province of Angola, held by foreigners ;

(b) The free cutting of timber in the state forests for buildings and all kinds of constructions, including furniture, for the exclusive use of the missions and their dependencies ;

(c) An annual subsidy of 3000\$00 (three thousand Escudos) to each mission which may have in its permanent employ a European professor, whether missionary or not, who may possess the conditions and ability to teach well the Portuguese language ;

(d) An annual subsidy of 360\$00 (three hundred and sixty Esc.) for each permanent rural school directed by a native professor who has the ability demanded for native professors referred to in the decree No. 15 of the High Commissioner of the 19th of May 1921.

ART. 7.—The terms of the Carta Organica of the Province relative to foreigners apply to foreign missionaries.

Exception, Residential Papers and their renewal are exempt from the stamp tax and of any kind of tax or charges.

ART. 8.—Any mission will be closed by the Governor-General in Executive Council, when :

(1) In its constitution and services it fails to maintain the requirements of this decree ;

(2) It becomes incompatible with the native populations of the region where it is situated ;

(3) Its presence and activity are entirely devoid of civilizing influence ;

(4) Its permanent presence becomes injurious to the interests of the National Sovereignty and to order and public security.

Exception, The closing of a mission will always be preceded by an administrative inquiry in the presence of the missionaries and other workers of the mission.

ART. 9.—The Religious Missions which have been under or may come under the protection of the decree No. 6322 of the 2nd of January 1920 will have the obligations and advantages established by that decree and will remain subject not only to its terms but also to those of this decree.

ART. 10.—Religious Missions will be granted until the 31st of December 1922 to fulfil completely the present decree.

ART. 11.—The services in regard to Religious Missions are considered as being provincial, it being the duty of the Secretary for Colonization and Native Affairs, of the Governors of Districts and of Administrators of Divisions and Military Officers to put into effect the terms of the present decree and the organization of the register of the Religious Missions.

ART. 12.—All previous legislation of a contrary character is revoked.

I determine, therefore, that all the authorities to whom the knowledge of and application of this decree belongs shall fulfil it and cause to be fulfilled in its entirety all contained therein.

LOANDA, December 9, 1921.

The High Commissioner,  
JOSÉ MENDES RIBEIRO NORTON  
DE MATTOS

(B) MOZAMBIQUE

LAW NO. 730 OF DECEMBER 4, 1907<sup>1</sup>

No. 730.—Sendo já grande o numero de escolas de diferentes a communhões religiosas que nesta provincia estão estabelecidas com o fim de ministrar a instrucção aos indigenas ; e

Tendo em vista a doutrina consignada no artigo 10° do tratado de 11 de junho de 1891 ;

Ouvido o Conselho do Governo :

Hei por conveniente determinar o seguinte :

1°. Nenhuma escola se poderá estabelecer na Provincia sem prévia autorização, por escripto, do administrador de circumscripção, capitão-mór, commandante militar ou chefe da administração do respectivo territorio, que terá sempre organizado um registo regular de todas as escolas existentes na area da sua juridicção.

2°. Nos primeiros tres annos, a contar da publicação d'esta portaria, será a instrucção ministrada em portuguez ou na lingua indigena do paiz, e no ensino serão unicamente empregados os livros que tenham sido oficialmente approvados.

(a) Depois d'aquelle periodo a instrucção só poderá ser ministrada na lingua portugueza.

3°. A nenhum individuo branco ou de cõr, que não fale bem a lingua de paiz e tenha conhecimento da lingua portugueza, será permittido o ensinar nas escolas da Provincia.

4°. Não será permittido o emprego de linguas estrangeiras quer na profissão de ensino aos indigenas, quer na sua educação religiosa.

5°. Será publicada mensalmente no Boletim Official uma nota do numero de escolas abertas ao ensino dos indigenas, bem assim noticia da sua extincção.

<sup>1</sup> Official Gazette of the Province of Mozambique, December 1907.

(a) Nessa nota se mencionará o nome de quem a abrir e o dos respectivos os professores.

6°. A nenhum individuo será permittido ser professor numa escola indigena sem ter sido submettido a um exame perante o governador do districto, administrador de circumscripção, capitão-mór, comandante militar ou outra autoridade local, e pelo qual prove que conhece bem a lingua do paiz onde pretende abrir a escola e tem conhecimento da lingua portugueza.

(a) Depois do exame a que se refere o presente artigo serão sempre passados certificados de habilitação, e remettidos ao Conselho Inspector de Instrucção Publica os duplicados ;

(b) Pelas autoridades locaes será tambem exigido que as construcções destinadas a escola satisfaçam ás necessarias condições de higiene e salubridade, ouvido o parecer da respectiva autoridade sanitaria.

7°. Os preceitos dos nos. 3°, 4°, e 6° terão plena execução dentro do prazo de um anno, a contar da data da distribuição do Boletim Official em que esta portaria se publicar, devendo, dentro d'esse periodo, as escolas actualmente existentes regularem a sua situação nos termos da presente portaria.

8°. As autoridades administrativas, logo que tiverem conhecimento da existencia de alguma escola sem a necessaria autorização, ou de que em escolas autorizadas o ensino e educação religiosa são ministrados aos indigenas em lingua cujo uso por esta portaria não é permittido, ou por individuo que não possua certificado de habilitação, mandarão intimar o respectivo director para em acto continuo, a encerrar, sob pena de desobediencia.

Depois de ordenado o encerramento de uma escola autorizada, o transgressor não poderá reabril-a sem nova autorização.

As autoridades e mais pessoas a quem o conhecimento d'esta competir assim o tenham entendido e cumpram.

Governo Geral em Lourenço Marques, 4 de dezembro de 1907.

O Governador Geral,

A. FREIRE D'ANDRADE

[*Translation*]

LAW NO. 730 OF DECEMBER 4, 1907

The number of schools of different religious denominations established in the Province to give instruction to the Natives being very great,



Having in sight the 'doctrine' recorded in Art. 10 of the treaty of the 11th of June 1891,

Having heard the Government Council,

I find convenient to determine the following :

1°. No school will be allowed to be established in the Province without previous written permission of the administrator of circumscription, the officer in charge, the military commandant, or the chief of the administration of the respective territory, who shall always keep a regular register of all the schools existing in the sphere of his jurisdiction.

2°. In the first three years, to be counted from the publication of this law, the instruction shall be given in Portuguese or in the vernacular ; and in the teaching only the books which have been officially approved shall be used.

(a) After this period, the instruction shall only be given in the Portuguese tongue.

3°. No individual, white or coloured, who does not speak the vernacular correctly and who has no knowledge of the Portuguese language will be allowed to teach in the schools of the Province.

4°. The use of a foreign language will not be allowed either in the teaching of the Natives or in the religious instruction.

5°. There shall be published monthly, in the Government Gazette, a statement of the number of schools opened for the teaching of the Natives, as well as of those which have ceased to exist.

(a) In this statement the name of the person opening the school as well as the names of the teachers must be mentioned.

6°. No one will be allowed to be teacher in a native school who has not passed an examination before the Governor of the District, the administrator of the circumscription, the officer in charge, the military commandant, or other local authority ; by which he will prove that he has a good knowledge of the vernacular of the district where he wishes to open a school, and that he knows the Portuguese language.

(a) After this examination a certificate of ability shall always be given and a duplicate of the same shall be sent to the Council of Inspection of Public Instruction.

(b) The local authorities shall also require that the buildings intended for a school meet the necessary conditions of hygiene and salubrity, in accordance with the desire of the respective sanitary authorities.

7°. The rules Nos. 3°, 4°, 6° will enter into force one year from the date of the publication of the Official Gazette in which this law shall be published ; the schools actually existing must, during this period, regulate their situation, according to the present law.

8°. In case the administrative authorities hear of the existence of a school for which the necessary permit has not been obtained, or of schools duly authorized where the teaching and religious instruction is given in a

language which is not authorized, or by an individual who does not possess the necessary certificate of ability, notice shall be given to the director of the school, that, if he does not conform to the present law, the school will be closed.

The order to close a school which had been authorized having been given, the offender will not be allowed to reopen it without a new permission.

Let the authorities and all whom this may concern take heed and act accordingly.

Governo Geral em Lourenço Marques, December 4, 1907.

The Governador Geral,

A. FREIRE D'ANDRADE

### LAW NO. 731 OF DECEMBER 4, 1907<sup>1</sup>

No. 731.—Pertencendo a este Governo Geral, a cuja superior tutela estão sujeitos, a direcção geral da educação dos indigenas da Provincia ;

Considerando que, embora seja garantida a tolerancia religiosa e a liberdade de todos os cultos e ensino religioso nos territorios da Africa Oriental, de que trata o convenio de 11 de junho de 1891, a verdade é que o systema actualmente empregado pelas diferentes seitas na propaganda religiosa é menos conveniente para a melhor educação dos indigenas, porisso que ellas se degladiam entre si, empregando processos que, no conjuncto, podem não conduzir ao louvavel fim que teem em vista : o de elevar o espirito do indigena pela instrucção religiosa e pelo trabalho ;

Ouvido o Conselho do Governo :

Hei por conveniente determinar o seguinte :

1°. Nenhuma casa de propaganda religiosa poderá ser aberta na provincia de Moçambique sem prévia licença do governador do districto, do administrador da circumscripção, do capitão-mór ou do commandante militar, conforme as localidades ;

2°. Essa licença será pedida em papel commum e deveá indicar o local onde se pretende a casa e o nome do chefe indigena da localidade, bem como deverá ter a declaração, de quem a pede, de que não empregará no ensino religiosa senão a lingua do paiz ou a portugueza ;

3°. Os governadores de districto, administradores de circumscripção, capitães-móres ou comandantes militares não darão essa

<sup>1</sup> Official Gazette of the Province of Mozambique, December 1907.

licença dentro de uma area comprehendida por uma circumferencia do raio que entenderem mais conveniente e de accorde com a densidade da população, e que tenha por centro uma outra missão já estabelecida ;

4°. Será publicado annualmente no Boletim Official um mappa das casas de propaganda religiosa abertas nos termos d'esta portaria, devendo referir-se no primeiro ás anteriormente existentes.

As autoridades e mais pessoas a quem o conhecimento d'esta competir assim o tenham entendido e cumpram.

Governo Geral em Lourenço Marques, 4 de dezembro de 1907.

O Governador Geral,

A. FREIRE D'ANDRADE

[*Translation*]

LAW NO. 731 OF DECEMBER 4, 1907

The management of the education of the Natives of the Province of Mozambique being of the jurisdiction of the General Government, which is the guardian of its subjects,

Considering that, although religious toleration and the liberty of all creeds and religious teaching is guaranteed in the territories of East Africa, according to the convention of the 11th of June 1891, the truth is that the system actually adopted by the different sects of religious propaganda is not well adapted for the better education of the Natives, as the sects do not agree together, using methods which, at the present moment, cannot lead to the praiseworthy aim they have in view: namely, to raise the mind of the Natives by means of religious instruction and by industries,

Having heard the Government Council,

I find it convenient to determine the following :

1°. No house of religious propaganda shall be opened in the Province of Mozambique without licence from the District Governor, the administrator of circumscription, the officer in charge, or the military commandant, according to localities.

2°. This licence shall be applied for, on ordinary (unstamped) paper, and shall state the place where the house is to be, and the name of the locality of the native chief, as well as the declaration of the applicant that he shall only use in the religious teaching the vernacular or the Portuguese language.

3°. The District Governors, the administrators of circumscriptions, the officers in charge and the military commandants shall not give this licence in an area formed by a circumference whose radius they esteem as

more suitable, taking into consideration the density of the population, and which has in its centre another mission already established.

4°. The Government Gazette shall publish annually a list of the houses of religious propaganda which have been authorized according to this law, referring in the first instance to those already in existence.

Let the authorities and all whom this may concern take heed and act accordingly.

Governo Geral em Lourenço Marques, December 4, 1907.

The Governador Geral,

A. FREIRE D'ANDRADE

By a subsequent Law (No. 476 of the 14th of July 1908) the use of a Reader in the Vernacular is allowed in the first and second sections of the First Class, the reading of books in the Vernacular in the Second Class, and translation in the Vernacular in the Third and Fourth Classes.

[The northern part of Angola and the northern part of Mozambique fall within the area covered by the Convention Revising the General Act of Berlin (see pp. 7-9).]

## VI. DUTCH COLONIES

### NEDERLANDSCH-INDIË REGEERINGSREGLEMENT,

SEPTEMBER 2, 1854<sup>1</sup>

#### ZEVENDE HOOFDSTUK

#### VAN DE GODSDIENST

ART. 119.—Ieder belijdt zijne godsdienstige meeningen met volkomen vrijheid, behoudens de bescherming der maatschappij en harer leden tegen de overtreding der algemeene verordeningen op het strafregt.

ART. 120.—Alle openbare godsdienstoefening binnen gebouwen en besloten plaatsen wordt toegelaten, voor zoover die geene stoornis aan de openbare orde toebrengt. Tot openbare godsdienstoefening buiten gebouwen en besloten plaatsen wordt het verlof des Bestuurs vereischt.

ART. 121.—De Gouverneur-Generaal zorgt dat alle godsdienstige gezindheden zich houden binnen de palen van gehoorzaamheid aan de algemeene verordeningen.

ART. 122.—In de bestaande inrigting en het bestuur der Christelijke kerkgenootschappen wordt geene verandering gebragt dan met wederzijdsch goedvinden van den Koning en het bestuur van het betrokken kerkgenootschap.

ART. 123.—De Christen-leeraars, priesters en zendelingen moeten voorzien zijn van eene door of namens den Gouverneur-Generaal te verleenen bijzondere toelating, om hun dienstwerk in eenig bepaald gedeelte van Nederlandsch-Indië te mogen verrigten. Wanneer die toelating schadelijk wordt bevonden, of de voorwaarden daarvan niet worden nageleefd, kan zij door den Gouverneur-Generaal worden ingetrokken.

ART. 124.—De priesters der inlanders, die het Christendom niet belijden, zijn geplaatst onder het oppertoezicht der vorsten, regenten en hoofden, voor zooveel betreft de godsdienst, die elk hunner belijdt. Deze zorgen, dat door de priesters niets worde ondernomen strijdig

<sup>1</sup> Wetten en Verordeningen betreffende Nederlandsch-Indië, Suriname en Curaçao. J. H. De Bussy, Amsterdam, 1920.

met dit reglement en met de door of uit naam van den Gouverneur-Generaal uitgevaardigd de verordeningen.

[*Translation*]

## DUTCH EAST INDIES—GOVERNMENT REGULATIONS

SEPTEMBER 2, 1854

### CHAPTER 7

#### RELIGION

ART. 119.—Every one shall have complete freedom to confess his religious beliefs, subject to the protection of society and its members against infringement of the general ordinances of the penal code.

ART. 120.—All public religious services within buildings or enclosed places shall be permitted in so far as these cause no disturbance of the public order. For public religious services outside buildings and enclosed places the permission of the Government shall be required.

ART. 121.—The Governor-General shall ensure that all religious sects keep within the bounds of obedience to the general ordinances.

ART. 122.—In the existing organization and the government of the Christian churches no change shall be made except by mutual agreement between the King and the authorities of the Church concerned.

ART. 123.—Christian teachers, priests and missionaries must be provided with a special permission granted by the Governor-General or in his name in order to carry on their work in any particular part of the Dutch Indies. If the permission is found harmful, or the conditions thereof are not fulfilled, it may be withdrawn by the Governor-General.

ART. 124.—Native priests who do not profess the Christian religion shall be under the supervision of the princes, rulers and chiefs in so far as concerns the religion which each of them professes. These will make sure that nothing is undertaken by the priests which would be inconsistent with these regulations and with the ordinances promulgated by the Governor-General or in his name.

## SURINAME REGEERINGSREGLEMENT, 31 MEI, 1865<sup>1</sup>

### ZEVENDE HOOFDSTUK

#### VAN DE GODSDIENST

ART. 141.—Ieder belijdt zijne godsdienstige meeningen met volkomen vrijheid, behoudens de bescherming der maatschappij en van hare leden tegen de overtreding der strafwet.

<sup>1</sup> Wetten en Verordeningen betreffende Nederlandsch-Indië, Suriname en Curaçao. J. H. De Bussy, Amsterdam, 1920.

ART. 142.—In de kolonie wordt gelijke bescherming verleend aan alle erkende kerkgenootschappen.

ART. 143.—De gouverneur waakt dat alle kerkgenootschappen zich houden binnen de palen van de gehoorzaamheid aan de wettelijke regelingen en de gestelde magten in de kolonie.

ART. 144.—De belijders der onderscheidene godsdienstige meeningen genieten allen dezelfde burgerlijke en burgerregten en hebben gelijke aanspraak op het bekleeden van waardigheden ambten en bedieningen.

ART. 145.—De openbare eeredienst en godsdienstoefening is aan geene andere beperkingen onderworpen dan die, welke in het belang der openbare orde, rust en zedelijkheid bij koloniale verordeningen worden bevolen.

[*Translation*]

## SURINAME—GOVERNMENT REGULATIONS

MAY 31, 1865

### CHAPTER VII

#### RELIGION

ART. 141.—Every one shall have complete freedom to confess his religious beliefs subject to the protection of society and its members against infringement of the penal code.

ART. 142.—In the colony the same protection will be accorded to all recognized churches.

ART. 143.—The Governor shall ensure that all churches keep within the bounds of obedience to the legal regulations and the established authorities of the colony.

ART. 144.—The followers of the different religious beliefs shall enjoy all the same legal and civil rights and shall have equal claim to hold dignities, offices and commissions.

ART. 145.—Public worship and religious services shall be subject to no imitations beyond those laid down by colonial ordinances in the interest of public order, peace and morality.

[The Regulations for Curaçao are practically identical with the above.]

## VII. AMERICAN OVERSEAS DOMINIONS

### THE PHILIPPINES

ACT OF CONGRESS OF THE UNITED STATES OF AMERICA,  
AUGUST 29, 1916<sup>1</sup>

#### ARTICLE 3

. . . that no law shall be passed abridging the freedom of speech, of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievance. That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall for ever be allowed: and no religious test shall be required for the exercise of civil or political rights. No public money or property shall ever be appropriated, applied, donated or used, directly or indirectly, for the use, benefit or support of any sect, church, denomination, sectarian institution or system of religion, or for the use, benefit or support of any priest, preacher, minister or other religious teacher or dignitary as such. Contracting of polygamous or plural marriages hereafter is prohibited. That no law shall be construed to permit polygamous or plural marriages. . . .

<sup>1</sup> British and Foreign State Papers, vol. 111.



## **VIII. THE JAPANESE EMPIRE**

### **CONSTITUTION OF THE EMPIRE OF JAPAN, SIGNED FEBRUARY 11, 1889<sup>1</sup>**

#### **CHAPTER II**

#### **RIGHTS AND DUTIES OF SUBJECTS**

##### **ARTICLE 28**

Japanese subjects shall, within limits not prejudicial to peace and order, and not antagonistic to their duties as subjects, enjoy freedom of religious belief.

##### **ARTICLE 29**

Japanese subjects shall, within the limits of law, enjoy liberty in regard to speech, writing, publication, public meetings and associations.

### **(A) GERMAN POSSESSIONS IN THE PACIFIC OCEAN NORTH OF THE EQUATOR**

#### **JAPANESE MANDATE (CLASS C) APPROVED BY THE COUNCIL OF THE LEAGUE OF NATIONS, DECEMBER 17, 1920<sup>2</sup>**

##### **ARTICLE 5**

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State Member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

<sup>1</sup> British and Foreign State Papers, vol. 81.

<sup>2</sup> League of Nations Treaty Series, vol. 12, 1922.

**(B) THE ISLAND OF YAP****AN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND JAPAN RELATIVE TO THE ISLAND OF YAP, SIGNED FEBRUARY 11, 1922 <sup>1</sup>****ARTICLE 2**

The United States and its nationals shall receive all the benefits of the engagements of Japan defined in Articles 3, 4, and 5 of the aforesaid mandate, notwithstanding the fact that the United States is not a member of the League of Nations.

It is further agreed between the High Contracting Parties as follows :

(1) Japan shall ensure in the islands complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; American missionaries of all such religions shall be free to enter the islands and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the islands; it being understood, however, that Japan shall have the right to exercise such control as may be necessary for the maintenance of public order and good government and to take all measures required for such control :

(2) Vested American property rights in the mandated islands shall be respected and in no way impaired :

(3) Existing treaties between the United States and Japan shall be applicable to the mandated islands :

(4) Japan will address to the United States a duplicate of the annual report on the administration of the mandate to be made by Japan to the Council of the League of Nations :

(5) Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate as recited in the convention unless such modification shall have been expressly assented to by the United States.

<sup>1</sup> League of Nations Treaty Series, vol. 12, 1922.

(C) CHOSEN<sup>1</sup>

ORDINANCE OF THE GOVERNMENT-GENERAL OF  
CHOSEN

No. 83 of August 16, Fourth year of Taisho (1915).

Revised, April 7, Ninth year of Taisho (1920), by Ordinance  
No. 59.

REGULATIONS FOR RELIGIOUS PROPAGATION

ART. 1.—The term 'religion' used in this Ordinance covers only Shintoism, Buddhism and Christianity.

ART. 2.—A person desirous of engaging in the propagation of religion shall present to the Governor-General a written report embodying the following particulars and documents setting forth his qualification as propagator and summary of his personal history:

- (1) Name of religion and sect.
- (2) Methods of propagation.

In case of any of the foregoing items undergoing change, the same must be reported within ten days from the date of its being made. Change in person or residence, or discontinuance as propagator, must likewise be duly reported.

ART. 3.—In case of any branch of Shintoism or any sect of Japanese Buddhism undertaking propagation of its tenets the supervisor of that sect shall apply for and obtain recognition of the Governor-General of Chosen after due appointment of a propagating superintendent, giving information under the following heads:

- (1) Name of religion and denomination.
- (2) Constitution of the denomination or regulations of same.
- (3) Methods of propagation.
- (4) Competence of superintendent.
- (5) Methods of supervision of propagators.
- (6) Address of superintendent's office.
- (7) Name of superintendent and summary of his personal history.

In case change is necessary in any of the foregoing heads,

<sup>1</sup> The Acts and Ordinances relating to Chosen have been supplied in English translation by the Foreign Affairs Section of the Government-General of Chosen.

recognition of same must be applied for and obtained of the Governor-General of Chosen.

ART. 4.—The Governor-General of Chosen may order change in the method of propagation, competence of the superintendent, and mode of supervision, should such be recognized in any way defective.

ART. 5.—The superintendent is required to reside in Chosen.

ART. 6.—The Governor-General of Chosen may order the appointment of a superintendent to any religious body other than those mentioned in Article 3, should this be deemed necessary.

In case a superintendent is appointed by virtue of the foregoing paragraph, report must be made to the Governor-General of Chosen within ten days of appointment in conformity with items in Section 1 of Article 3. In case change is made, it must be reported without delay.

ART. 7.—The superintendent mentioned in the preceding Article is required to conform to the rules set forth in Articles 4 and 5.

A denomination other than those mentioned in Article 3 appointing a superintendent of propagation by virtue of its own regulations, is required to observe the rule set forth in Articles 4 and 5 and Section 2 of the preceding Article.

ART. 8.—Rescinded.

ART. 9.—In case of erection of an edifice, church or preaching place for religious use, report must be submitted, giving information under the following heads :

- (1) Name and situation.
- (2) Name of religion and sect.
- (3) Qualification of man in charge (pastor or minister) and mode of his selection.
- (4) Amount raised for erection and upkeep.
- (5) Ways and means of supervision and maintenance of same.

In case change is made in any or all of the foregoing, report giving reason therefor must be submitted to the Governor-General of Chosen without delay.

ART. 10.—When appointment is made in conformity with Item 3, Section 1 of the preceding Article, the founder or superintendent shall report to the Governor-General, within ten days of such appointment, the name and address of the appointee. In case of change, report shall at once be made to the Governor-General of Chosen.

ART. 11.—In case the edifice, church, preaching place or other building for religious use is to be abandoned as such, report must be submitted to the Governor-General within ten days of closure.

ART. 12.—Should the edifice, church, preaching place or other building used for religious purposes be recognized as harmful and inimical to public peace and order by reason of its conduct, the Governor-General of Chosen may order its founder or superintendent the suspension or interdication thereof.

ART. 13.—In case of a person belonging to a nomination or sect of a religion appointing a superintendent, desiring to submit the report thereof by virtue of this Ordinance, he is required to forward with it a certificate from the superintendent thus appointed.

ART. 14.—The Governor-General of Chosen may demand a report from the superintendent of propagation, should this be recognized as necessary.

ART. 15.—In case the Governor-General of Chosen recognizes a body as similar to a religious body, he may order the application of this Ordinance with respect to it when deemed necessary.

The name of the quasi-religious body thus brought under this Ordinance shall be announced in the official gazettes.

#### SUPPLEMENTARY RULES

ART. 16.—This Ordinance comes into force on October 1, Fourth year of Taisho (1915).

ART. 17.—Residency-General Ordinance No. 45, promulgated in the 39th year of Meiji (1906), is hereby rendered null and void.

ART. 18.—Those who obtained recognition in accordance with Articles 1, 2 or 3 of the Residency-General Ordinance No. 45, promulgated in the 39th year of Meiji (1906), are regarded as having submitted the required report in conformity with Article 2 of this Ordinance or as having recognition as provided in Articles 3 and 9.

Persons, however, coming under provisions of the Articles given below shall conform to their respective Articles and make report to the Governor-General of Chosen attaching thereto a summary of his personal career within three months from the date this Ordinance comes into force.

- (1) Persons under the provisions of Article 2 shall conform to Item 2 of the same Article.

(2) Persons under the provisions of Article 3 shall conform to Items 1, 2 and 4 of the same Article.

(3) Persons under the provisions of Article 9 shall conform to the Items 3 and 5 of the same Article.

ART. 19.—In case of a person not coming under the provisions of the preceding paragraph by reason of being actually engaged in religious propagation at the time of enforcement of this Ordinance, the superintendent of propagation, edifice, church, preaching place or other building for religious use is required to submit to the Governor-General of Chosen within three months from the date this Ordinance comes into operation a report in accordance with the provisions of Articles 2, 3 or 9.

A person reporting the information according to the provisions of Article 9 by virtue of the preceding paragraph shall be recognized as one having obtained recognition by this Ordinance.

#### CHOSEN PROVINCIAL EXPENDITURE ORDINANCE

Seirei No. 19 of July of the 9th year of Taisho (1920).

Lands, buildings, articles and public works held and conducted for purposes of public utility by a State or public corporation . . . are exempt from local taxation. . . .

Buildings in use as shrines or temples and their immediate surroundings, and buildings and their immediate surroundings in use as churches or preaching places . . . are exempt from local taxation.

All cemetery grounds, also consulates and their sites belonging to foreign governments, are exempt from local taxation.

#### CHOSEN INCOME TAX ORDINANCE

Seirei No. 16 of July of the 9th year of Taisho (1920).

ART. 13.—No income tax shall be levied from the following juridical persons:

1. A public corporation designated by the Governor-General of Chosen.
2. A juridical person established in accordance with Article 34 of the Civil Code, local credit association . . . or a quasi-juridical person designated by the Governor-General of Chosen.

ART. 34 of Civil Code reads: 'Associations or foundations for

purposes of worship, religion, charity, science or art, or any other purpose of public utility, not having as their object the making of profit, can become juridical persons by permission of the competent authorities.'

#### CHOSEN REGISTRATION ORDINANCE

Seirei No. 16 of March of the 45th year of Meiji (1912).

ART. 1.—The fee for registering immovable properties at the court or obtaining proof thereof shall be charged under the following classification:

Immovable property bestowed by deed of gift or by will, or ownership of which is conceded without receiving any compensation whatsoever therefor, shall be charged at the rate of fifty yen per thousand. However, shrines, temples (including churches) or a juridical person, established in accordance with Article 34 of the Civil Code, obtaining ownership of any immovable property, shall be charged at the rate of thirty yen per thousand.

ART. 7. In the following cases registration at the court shall be free of charge:

(1) . . .

(2) . . .

(3) Sites of temples, shrines (including churches) and cemeteries, or proof given by the court of registration thereof.

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[A brochure entitled *The New Administration in Chosen*, compiled by the Government-General of Chosen, issued in July 1921, contains the following statement:

#### XII. RELIGION

In Chosen there has been from early times a tendency for politics and religion to interfere with each other, making the administration of the latter a subject having important bearing on the government of the country. In consideration of this fact, the Government-General instituted in the Educational Bureau a section called the Religious Section, charging it with the administration and investigation of affairs relating to religion, as well as with the duty of bringing about a good understanding between the Government and foreign missionaries. The following steps relating to religion have since been taken:

(1) REVISION OF REGULATIONS CONCERNING RELIGIOUS  
PROPAGATION

In regard to the administration of religious affairs, the Government was formerly not entirely free from requiring those concerned to go through complicated procedure even with regard to matters of small importance, so that in many cases it was difficult for them to comply with the Government requirements. Especially troublesome were the regulations controlling the religion. In order to remove these defects and give facilities to religious propagators, by making various procedures to be taken by them as simple as possible and by eliminating all unimportant restrictions from the regulations, the Government effected in April 1920 a revision in the regulations concerning religious propagation. In consequence, whereas permission of the Government-General was formerly required for the establishment of churches and preaching houses, it is now only necessary to report the fact of their establishment to the Government. As for matters requiring reports to be made of them to the Government, they have been reduced in number to the indispensable minimum, while fines formerly imposed on those infringing the regulations have been abolished. On the other hand, the Government has reserved to itself the right of imposing on the founders or managers of churches and preaching houses suspension or prohibition of the use of them, whenever it is found that they have been used in a way inimical to the public peace and order. This reform is intended to facilitate religious works as well as to prevent religion from being made a political tool.

(2) PERMISSION TO ESTABLISH FOUNDATIONAL JURIDICAL PERSONS  
WITH RELIGIOUS PROPAGATION AS THEIR OBJECT

Christianity in Chosen being mostly propagated by foreign organizations, it was a long-pending question whether or not such bodies should be recognized as juridical persons. It has now been decided that foundations with religious propagation as their object shall be permitted registration as juridical persons, so that they may enjoy the privilege of securely holding their foundation properties.]



## IX. CHINA

### TREATY BETWEEN GREAT BRITAIN AND CHINA (TIENTSIN), JUNE 26, 1858<sup>1</sup>

#### ARTICLE 8

The Christian religion, as professed by Protestants or Roman Catholics, inculcates the practice of virtue, and teaches man to do as he would be done by. Persons teaching it or professing it, therefore, shall alike be entitled to the protection of the Chinese authorities, nor shall any such, peaceably pursuing their calling and not offending against the laws, be persecuted or interfered with.

### TREATY BETWEEN THE UNITED STATES OF AMERICA AND CHINA, OCTOBER 8, 1903<sup>2</sup>

#### ARTICLE 14

The principles of the Christian religion as professed by the Protestant and Roman Catholic Churches are recognized as teaching men to do good and to do to others as they would have others do to them. Those who quietly profess and teach these doctrines shall not be harassed or persecuted on account of their faith. Any person, whether citizen of United States or Chinese convert, who, according to these tenets, peaceably teaches and practises principles of Christianity, shall in no case be interfered with or molested therefor. No restrictions shall be placed on Chinese joining Christian Churches. Converts and non-converts, being Chinese subjects, shall alike conform to the laws of China, and shall pay due respect to those in authority, living together in peace and amity; and the fact of being converts shall not protect them from the consequences of any offence they may have committed before or may commit after their admission into the Church, or exempt them from paying legal taxes

<sup>1</sup> British and Foreign State Papers, vol. 48.

<sup>2</sup> Treaties and Agreements with and concerning China. Macmurray, vol. 1. Carnegie Endowment for International Peace, 1921.

levied on Chinese subjects generally, except taxes levied and contributions for the support of religious customs and practices contrary to their faith. Missionaries shall not interfere with the exercise by the native authorities of their jurisdiction over Chinese subjects ; nor shall the native authorities make any distinction between converts and non-converts, but shall administer the laws without partiality, so that both classes can live together in peace.

Missionary societies of the United States shall be permitted to rent and to lease in perpetuity, as the property of such societies, buildings or lands in all parts of the Empire for missionary purposes, and, after the title deeds have been found in order and duly stamped by the local authorities, to erect such suitable buildings as may be required for carrying on their good work.

[Other Powers have treaty arrangements with China of a similar character.]

## X. SIAM

TREATY BETWEEN FRANCE AND SIAM REGULATING  
QUESTIONS CONNECTED WITH THE FRONTIERS OF  
INDO-CHINA AND SIAM, ETC. SIGNED AT BANGKOK,  
MARCH 23, 1907 <sup>1</sup>

### ARTICLE 6

Les asiatiques sujets et protégés français jouiront dans toute l'étendue du royaume de Siam des droits et prérogatives dont bénéficient les nationaux du pays, notamment des droits de propriété, de libre résidence et de libre circulation. Ils seront soumis aux impôts et prestations ordinaires.

Ils seront exempts du service militaire et ne seront pas assujettés aux réquisitions et taxes extraordinaires.

### [Translation]

French Asiatic subjects and protected persons shall enjoy throughout the whole kingdom of Siam the same rights and privileges which the natives of the country possess, notably rights of property, of free residence and of free circulation. They shall be subject to the ordinary taxes and "prestations."

They shall be exempt from military service and shall not be subjected to extraordinary requisitions and duties.

TREATY AND NOTES BETWEEN GREAT BRITAIN AND  
SIAM REGARDING THE CESSION AND BOUNDARIES OF  
THE SIAMESE MALAY STATES, ETC. SIGNED AT BANG-  
KOK, MARCH 10, 1909 <sup>2</sup>

### ARTICLE 6

British subjects shall enjoy throughout the whole extent of Siam the rights and privileges enjoyed by the natives of the country, notably the right of property, the right of residence and travel.

<sup>1</sup> British and Foreign State Papers, vol. 100.

<sup>2</sup> *Ibid.* vol. 102.

**TREATY AND PROTOCOL BETWEEN THE UNITED STATES  
AND SIAM, REVISING TREATIES HITHERTO EXISTING,  
SIGNED AT WASHINGTON, DECEMBER 16, 1920 <sup>1</sup>**

**ARTICLE 1**

There shall be constant peace and perpetual friendship between the United States of America and the Kingdom of Siam. The citizens or subjects of each of the High Contracting Parties shall have liberty to enter, travel and reside in the territories of the other, to carry on trade, wholesale and retail, to engage in religious, educational and charitable work, to own or lease and occupy houses, manufactories, warehouses and shops, to employ agents of their choice, to lease land for residential, commercial, religious and charitable purposes and for use as cemeteries, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established. . . .

The citizens and subjects of both the High Contracting Parties shall enjoy in the territories and possessions of the High Contracting Parties entire liberty of conscience, and, subject to the laws, ordinances and regulations, shall enjoy the right of private or public exercise of their worship.

<sup>1</sup> Government Printing Office, Washington, Treaty Series, No. 655, 1921 ; also British and Foreign State Papers, vol. 113.

## XI. IRAQ

### TREATY BETWEEN HIS BRITANNIC MAJESTY AND HIS MAJESTY THE KING OF IRAQ, SIGNED AT BAGHDAD, OCTOBER 10, 1922 <sup>1</sup>

#### ARTICLE 3

His Majesty the King of Iraq agrees to frame an Organic Law for presentation to the Constituent Assembly of Iraq, and to give effect to the said Law, which shall contain nothing contrary to the provisions of the present Treaty, and shall take account of the rights, wishes and interests of all populations inhabiting Iraq. This Organic Law shall ensure to all complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals. It shall provide that no discrimination of any kind shall be made between the inhabitants of Iraq on the ground of race, religion or language, and shall secure that the right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Government of Iraq may impose, shall not be denied or impaired. It shall prescribe the constitutional procedure, whether legislative or executive, by which decisions will be taken on all matters of importance, including those involving questions of fiscal, financial and military policy.

#### ARTICLE 9

His Majesty the King of Iraq undertakes that he will accept and give effect to such reasonable provisions as His Britannic Majesty may consider necessary in judicial matters to safeguard the interests of foreigners in consequence of the non-application of the immunities and privileges enjoyed by them under capitulation or usage. These provisions shall be embodied in a separate agreement, which shall be communicated to the Council of the League of Nations.

<sup>1</sup> H.M. Stationery Office [Cmd. 1757], 1922.

## ARTICLE 12

No measure shall be taken in Iraq to obstruct or interfere with missionary enterprise or to discriminate against any missionary on the ground of his religious belief or nationality, provided that such enterprise is not prejudicial to public order and good government.

[A protocol has now been signed by the parties in the following terms :

“ It is understood between the High Contracting Parties that, notwithstanding the provisions of Article 18, the present Treaty shall terminate upon Iraq becoming a member of the League of Nations, and in any case not later than four years from the ratification of peace with Turkey. Nothing in this Protocol shall prevent a fresh agreement from being concluded with a view to regulate the subsequent relations between the High Contracting Parties ; and negotiations for that object shall be entered into between them before the expiration of the above period.”<sup>1</sup>]

<sup>1</sup> H.M. Stationery Office. Extract from Official Report, Parliamentary Debates, House of Commons, May 3, 1923.

## XII. TURKEY

### TREATY OF PEACE WITH TURKEY, AND OTHER INSTRUMENTS, SIGNED AT LAUSANNE, JULY 24, 1923<sup>1</sup>

#### PART I. POLITICAL CLAUSES

##### SECTION III

##### PROTECTION OF MINORITIES

###### ARTICLE 37

Turkey undertakes that the stipulations contained in Articles 38 to 44 shall be recognized as fundamental laws, and that no law, no regulation nor official action shall conflict or interfere with these stipulations, nor shall any law, regulation nor official action prevail over them.

###### ARTICLE 38

The Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion.

All inhabitants of Turkey shall be entitled to free exercise, whether in public or private, of any creed, religion or belief, the observance of which shall not be incompatible with public order and good morals.

Non-Moslem minorities will enjoy full freedom of movement and of emigration, subject to the measures applied, on the whole or on part of the territory, to all Turkish nationals, and which may be taken by the Turkish Government for national defence, or for the maintenance of public order.

###### ARTICLE 39

Turkish nationals belonging to non-Moslem minorities will enjoy the same civil and political rights as Moslems.

<sup>1</sup> H.M. Stationery Office, London, Treaty Series No. 16 [Cmd. 1020], 1923.]

All the inhabitants of Turkey, without distinction of religion, shall be equal before the law.

Differences of religion, creed or confession shall not prejudice any Turkish national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions and honours, or the exercise of professions and industries.

No restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings.

Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of their own language before the Courts.

#### ARTICLE 40

Turkish nationals belonging to non-Moslem minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. In particular, they shall have an equal right to establish, manage and control, at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

#### ARTICLE 41

As regards public instruction, the Turkish Government will grant, in those towns and districts where a considerable proportion of non-Moslem nationals are resident, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language. This provision will not prevent the Turkish Government from making the teaching of the Turkish language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Turkish nationals belonging to non-Moslem minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious or charitable purposes.

The sums in question shall be paid to the qualified representatives of the establishments and institutions concerned.



## ARTICLE 42

The Turkish Government undertakes to take, as regards non-Moslem minorities, in so far as concerns their family law or personal status, measures permitting the settlement of these questions in accordance with the customs of those minorities.

These measures will be elaborated by special Commissions composed of representatives of the Turkish Government and of representatives of each of the minorities concerned in equal number. In case of divergence, the Turkish Government and the Council of the League of Nations will appoint in agreement an umpire chosen from amongst European lawyers.

The Turkish Government undertakes to grant full protection to the churches, synagogues, cemeteries and other religious establishments of the above-mentioned minorities. All facilities and authorization will be granted to the pious foundations, and to the religious and charitable institutions of the said minorities at present existing in Turkey, and the Turkish Government will not refuse, for the formation of new religious and charitable institutions, any of the necessary facilities which are guaranteed to other private institutions of that nature.

## ARTICLE 43

Turkish nationals belonging to non-Moslem minorities shall not be compelled to perform any act which constitutes a violation of their faith or religious observances, and shall not be placed under any disability by reason of their refusal to attend courts of law or to perform any legal business on their weekly day of rest.

This provision, however, shall not exempt such Turkish nationals from such obligations as shall be imposed upon all other Turkish nationals for the preservation of public order.

## ARTICLE 44

Turkey agrees that, in so far as the preceding articles of this section affect non-Moslem nationals of Turkey, these provisions constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of the majority of the Council of the League of Nations. The British Empire, France, Italy and Japan hereby

agree not to withhold their assent to any modification in these articles which is in due form assented to by a majority of the Council of the League of Nations.

Turkey agrees that any member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these obligations, and that the Council may thereupon take such action and give such directions as it may deem proper and effective in the circumstances.

Turkey further agrees that any difference of opinion as to questions of law or of fact arising out of these articles between the Turkish Government and any one of the other Signatory Powers or any other Power, a member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Turkish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

## CONVENTION RESPECTING CONDITIONS OF RESIDENCE AND BUSINESS AND JURISDICTION

### CHAPTER I

#### CONDITIONS OF RESIDENCE AND BUSINESS

#### SECTION I

##### ENTRY AND RESIDENCE

#### ARTICLE 2

In Turkey the nationals of the other Contracting Powers will be received and treated, both as regards their persons and property, in accordance with ordinary international law. They will enjoy in Turkey the complete and constant protection of the local law and authorities for their persons, their property, rights and interests. Without prejudice to the provisions respecting immigration, they will have complete freedom to enter and establish themselves in Turkey, and may accordingly come, go and reside there, subject to compliance with the laws and regulations in force.

## ARTICLE 3

In Turkey the nationals of the other Contracting Powers will have the right to acquire, to possess and to dispose of all kinds of property both movable and immovable, subject to compliance with the local laws and regulations; they will in particular be able to dispose thereof by sale, exchange, gift, testamentary disposition or in any other way, and to take possession by inheritance in accordance with the law, or under dispositions *inter vivos* or by will.

SUBSIDIARY DOCUMENTS FORMING PART OF THE  
PEACE SETTLEMENT

Letters exchanged between Ismet Pasha and Sir H. Rumbold respecting the treatment to be accorded by the Turkish Government to British religious, scholastic and medical establishments and charitable institutions in Turkey

LAUSANNE, *July 24, 1923*

YOUR EXCELLENCY,

With reference to the Convention regarding the conditions of residence and business signed at Lausanne to-day, and following on the decision taken by the First Committee at its meeting of the 19th May 1923, regarding the substitution of the declaration, which was to have been annexed to the said Convention, by an exchange of letters, I have the honour to declare, in the name of my Government, that the latter will recognize the existence of British religious, scholastic and medical establishments, as well as of charitable institutions recognized as existing in Turkey before the 30th October 1914, and that it will favourably examine the case of other similar British institutions actually existing in Turkey at the date of the Treaty of Peace signed to-day, with a view to regularize their position.

The establishments and institutions mentioned above will, as regards fiscal charges of every kind, be treated on a footing of equality with similar Turkish establishments and institutions, and will be subject to the administrative arrangements of a public character, as well as to the laws and regulations, governing the latter. It is, however, understood that the Turkish Government will take into account the conditions under which these establishments carry on

their work, and, in so far as schools are concerned, the practical organization of their teaching arrangements.

I avail, etc.,

M. ISMET

His Excellency Sir Horace Rumbold,  
Delegate of His Britannic Majesty  
at the Peace Conference, etc. etc.

LAUSANNE, *July 24, 1923*

M. LE PRESIDENT,

I have the honour to acknowledge the receipt of the letter which your Excellency has been good enough to address to me to-day in accordance with the agreement reached between the delegations concerned, in regard to the treatment to be accorded by the Turkish Government to British religious, scholastic and medical establishments in Turkey.

I avail myself, etc.,

HORACE RUMBOLD

His Excellency General Ismet Pasha,  
President of the Turkish Delegation, etc. etc.

GENERAL TREATY AND EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND TURKEY, SIGNED AT LAUSANNE, AUGUST 6, 1923

[This Treaty is not available at the time of going to press, November 1923.]

### XIII. EGYPT

RESCRIT ROYAL NO. 42 DE 1923, ÉTABLISSANT LE RÉGIME  
CONSTITUTIONNEL DE L'ÉTAT EGYPTIEN, SIGNED  
APRIL 19, 1923<sup>1</sup>

#### TITRE II

ART. 3.—Tous les Egyptiens sont égaux devant la loi. Ils jouissent également des droits civils et politiques et sont également soumis aux charges et devoirs publics, sans aucune distinction de race, de langue ou de religion. Seuls, ils sont admissibles aux fonctions publiques, civiles et militaires; les étrangers n'y sont admis que dans des cas exceptionnels déterminés par la loi.

ART. 4.—La liberté individuelle est garantie.

ART. 12.—La liberté de conscience est absolue.

ART. 13.—L'État protège, conformément aux usages établis en Egypte, le libre exercice de toute religion ou croyance, à la condition qu'il ne soit pas porté atteinte à l'ordre public ou aux bonnes mœurs.

ART. 14.—La liberté d'opinion est garantie. Dans les limites de la loi, toute personne a le droit d'exprimer librement sa pensée par la parole, par écrit, par images ou autrement.

ART. 16.—Nulle restriction ne peut être imposée au libre usage de toute langue dans les relations privées, dans le commerce, en matière de religion, dans la presse ou les publications de tout genre, ainsi que dans les réunions publiques.

ART. 17.—L'enseignement est libre en tant qu'il n'est pas contraire à l'ordre public ou aux bonnes mœurs.

#### TITRE VI

ART. 149.—L'Islam est la religion de l'État; l'arabe est sa langue officielle.

ART. 153.—La loi règle la manière dont le Roi exerce, conformément aux principes de la présente Constitution, ses pouvoirs en ce qui concerne les établissements religieux, la nomination des chefs

<sup>1</sup> Imprimerie Nationale, Le Caire, 1923.

religieux, les Wakfs confiés à la gestion du Ministère des Wakfs, et en général les matières intéressant les cultes admis dans le Pays. En l'absence d'une disposition législative, ces pouvoirs continueront à être exercés d'après les règles et usages actuellement en vigueur.

Les prérogatives dont le Roi se trouve personnellement investi en sa qualité de Chef de la Famille Royale restent réglées par la Loi No. 25 de 1922 portant règlement du Statut de la Famille Royale.

ART. 154.—L'application de la présente Constitution ne peut avoir pour effet de porter atteinte aux obligations de l'Egypte envers les États étrangers, ni aux droits que les Étrangers auraient acquis en Egypte ne vertu des lois, des traités ou des usages reconnus.

[*Translation*]

ROYAL RESCRIPT NO. 42 OF 1923, ESTABLISHING THE CONSTITUTIONAL ADMINISTRATION OF THE EGYPTIAN STATE, SIGNED APRIL 19, 1923

PART II

ART. 3.—All Egyptians shall be equal before the law. They shall have equal enjoyment of civil and political rights and shall be equally liable for public charges and duties without any distinction of race, language or religion. They alone shall be eligible for civil, military and public office; strangers shall only be eligible in exceptional cases to be defined by law.

ART. 4.—The liberty of the individual shall be guaranteed.

ART. 12.—There shall be absolute freedom of conscience.

ART. 13.—The State shall, in conformity with established custom in Egypt, protect the free exercise of all religion or belief, on condition that there shall be no violation of public order or morals.

ART. 14.—Freedom of thought shall be guaranteed. Within the limits of the law all persons shall have the right to express freely their views by word, writing, pictures or otherwise.

ART. 16.—No restrictions may be imposed on the free use of any language in private relations, in commerce, in matters of religion, in the press or publications of all kinds, as well as in public meetings.

ART. 17.—There shall be freedom for education in so far as it is not contrary to public order or morals.

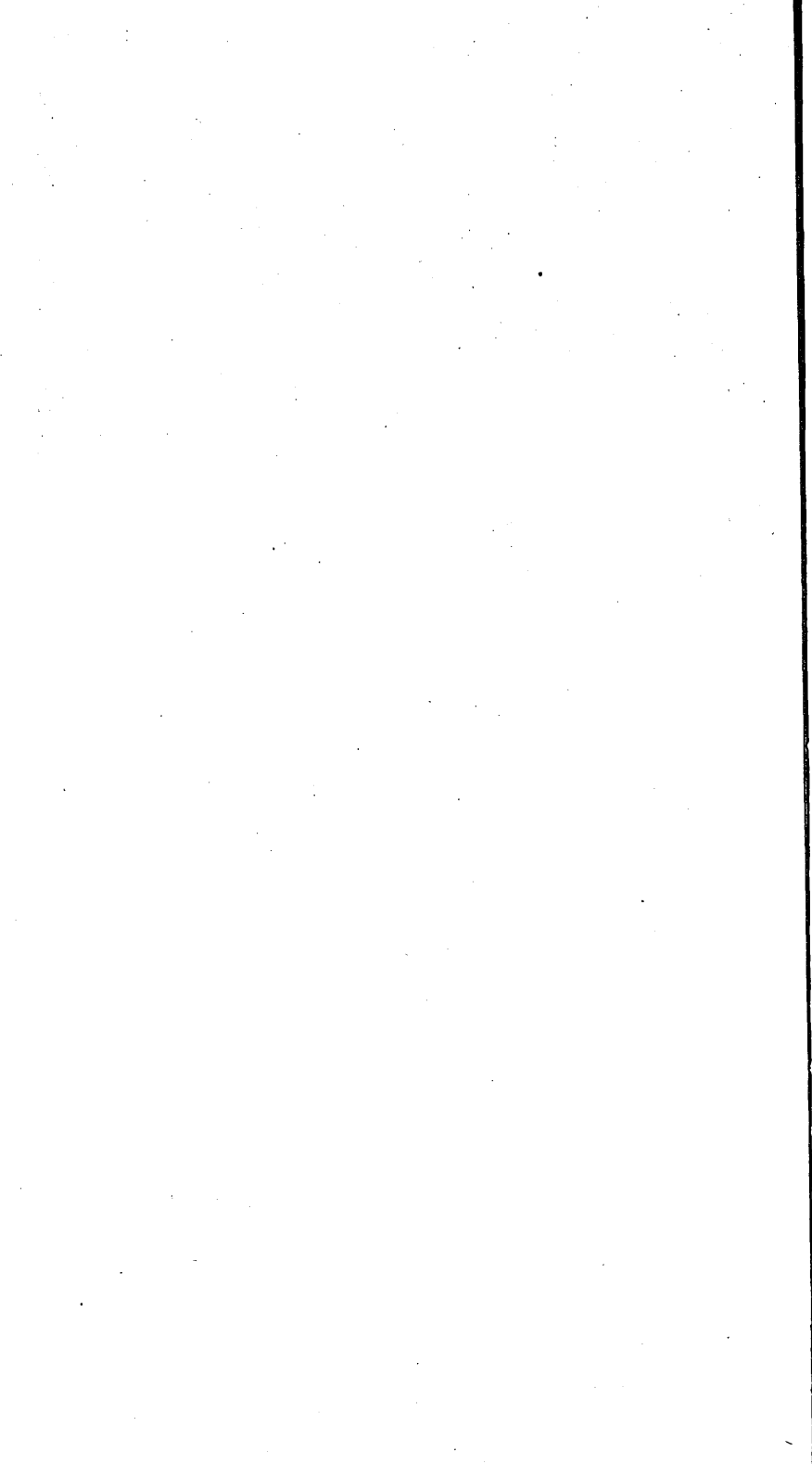
PART VI

ART. 149.—Islam shall be the religion of the State; Arabic shall be the official language.

ART. 153.—The manner in which the King shall, in accordance with the principles of the present constitution, exercise his powers in all that concerns religious establishments, the nomination of religious leaders, the Wakfs entrusted to the administration of the Minister of Wakfs and in general matters relating to the religions recognized in the country, shall be regulated by law. In the absence of special legislation these powers shall continue to be exercised in accordance with the laws and practices now in force.

The prerogatives with which the King is personally invested in his capacity of Head of the Royal Family shall continue to be regulated by Law No. 25 of 1922 containing Bylaws to the Statute of the Royal Family.

ART. 154.—The enforcement of the present constitution shall not involve the violation of the obligations of Egypt towards foreign States nor of the rights which foreigners may have acquired in Egypt by virtue of laws, treaties or recognized customs.





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